







A  
PRACTICAL ANALYSIS  
OF  
THE SEVERAL LETTERS PATENT OF THE CROWN,  
RELATING TO  
THE BISHOPRICKS IN THE EAST INDIES:  
WITH  
**A Few Forms**  
AND  
**SOME INSTRUCTIONS.**

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A NEW EDITION CORRECTED AND ENLARGED.



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TO  
THE HONORABLE THE COURT OF DIRECTORS  
OR  
THE EAST INDIA COMPANY,  
TO WHOSE SUPPORT  
FROM ITS FIRST ESTABLISHMENT  
THE ENGLISH EPISCOPATE IN THESE TERRITORIES  
IS INDEBTED,  
  
THIS EDITION,  
AS INTENDED FOR THE USE OF THEIR CHAPLAINS,  
HAVING RECEIVED THE APPROBATION  
OF  
THE RIGHT REVEREND DANIEL,  
LORD BISHOP OF CALCUTTA,  
AND  
METROPOLITAN IN INDIA,  
IS INSCRIBED  
WITH GREAT RESPECT.

CALCUTTA.  
*1st May, 1845.*



## PREFACE.

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THE desire frequently and earnestly expressed by The Right Reverend the present Metropolitan in India, for a new edition of this Work, in consequence of the important alterations, introduced under the 3d and 4th. Will. 4th c. 85, § 89, by the creation of the new Bishopricks of Madras and Bombay, on the renewal of the last charter of the East India Company ; and the repeated, and very flattering, calls of many of the officiating Clergy in this country for the same, will be a sufficient apology, it is hoped, for this second imperfect attempt ; induced also thereto, as the author has been, by the greatly augmented number of the Ministry in these dioceses at this date. He continues to be sensible that he has no possible pretensions to put himself forward, beyond what perhaps an experience of thirty years in the office he holds, may naturally be supposed to give. Whilst therefore feeling that he does no more than his duty, in thus attempting to meet the wishes of many of the Clergy, he trusts to receive the same kind indulgence from them, as was bestowed on his first unpretending labours.

In the present Edition, he has endeavoured to insert all that has since become new and useful to be set forth, with many of the existing Regulations of the Government concerning its own Chaplains. The latter in their ecclesiastical character, are still thought, by the Court of Directors, to resemble the Military and Naval Chaplains in the Queen's Service, and the unbenedicled Clergy in England ; in this respect they are liable to be removed

from place to place in these Dioceses, at the discretion of the Government.\* The author has studied also to correct and improve every way his former work, particularly in the arrangement of the different subjects of which he has treated.

The two new Bishopricks of Madras and Bombay, subsequently constituted, are declared to be subject to the Metropolitan See and Diocese of Calcutta; the latter having been previously ordained to be subject and subordinate to the Archiepiscopal See and province of Canterbury in the same manner as any other of the Bishopricks within that province in England.† The exercise and discharge of the appellate jurisdiction and powers granted to, and now vested in the Bishop of Calcutta as Metropolitan in India, are declared to be subject to the general superintendence and revision of the Archbishop of Canterbury.

Besides the powers of ordaining and confirming, the Bishops of Madras, and Bombay, are respectively authorized, in the same manner as the Bishop of Calcutta, by themselves or their Commissaries, thereunto especially authorized, to exercise jurisdiction spiritual and ecclesiastical throughout their several Dioceses, according to the ecclesiastical Law of England, in the several causes and matters specified; these powers, and the additional jurisdiction and authority granted to the Bishop of Calcutta, will be found to be fully set forth in the present Analysis.

\* See the recent orders of the Madras Government in the Ecclesiastical Department, of the 18th February, 1845. And also pages 100 and 101 of this work, with reference to this subject.

† Since the above went to press, the public papers have announced the erection of the Archdeaconry of Colombo into a Bishoprick, and the appointment thereto of the Rev. Dr. Chapman, Fellow of King's College, Cambridge. The Author regrets that there has not been time for the Letters Patent to arrive so as to be inserted.

As was observed in the Preface to the former Edition, so the author would repeat as equally introductory to the present Work, and to the due exercise of the additional functions and jurisdictions now possessed, that the ecclesiastical Law of England is considered to be part of various branches of the Law generally, namely ; of the Civil Law ; the Canon Law, of which more hereafter ; the Common Law, known as the *lex non scripta, or unwritten law* ; and the statute or written Law, contained in the acts of parliaments ; under which last, the 39 articles are reckoned.\*

As the Canon Law in these Dioceses may be considered of primary importance to the Clergy, something more in explanation, may be added concerning it.

It is observed as to this, that the apostles of our Saviour framed certain regulations for the government of the Church which were called *κανώνες*, or rules, to distinguish them from the Laws enacted by the secular authority, although the learned have differed as to the authenticity of the Canons of the Holy Apostles, which are to be found both in the ‘*Corpus Juris Civilis*’, and ‘*Juris Canonici*’.

Besides these portions, which are termed the foreign Canon Law, there is also the Canon Law of England, which, as Mr. Justice Blackstone adds, “ is composed of “ legatine and provincial constitutions, and adapted only “ to the exigencies of this Church and Kingdom. The “ Legatine Constitutions were Ecclesiastical laws enacted “ in national synods held under the Cardinals Otho and “ Othobon, Legates from Gregory IX, and Clement IV, “ in the reign of King Henry III, about the year 1220 “ and 1268. The Provincial Constitutions are, princi-“ pally, the decrees of provincial synods held under di-“ vers Archbishops of Canterbury, from Stephen Lang-

\* Dr. Burn’s preface to his Ecclesiastical Law.

“ton, in the reign of Henry III, to Henry Chichelle in  
 “the reign of Henry V, and adopted also by the pro-  
 “vince of York, in the reign of Henry VI. At the  
 “dawn of the Reformation in the reign of Henry VIII,  
 “it was enacted in the Parliament, (statute 25 Henry  
 “VIII, c. 19, revived and confirmed by 1 Elizabeth, c.  
 “1,) that a review should be had of the Canon Law :  
 “and till such review should be made, that all Canons,  
 “constitutions, ordinances, and synodals provincial, being  
 “then already made, and not repugnant to the law. of  
 “the land or the King’s prerogative, should still be used  
 “and executed ; and as no such review has yet been per-  
 “fected, upon this statute now depends the authority of  
 “the Canon Law of England.”\*

With respect to the present force and effect of the Canon Law over the Clergy generally, particularly as to the Canons of 1603, (*in the appendices*) though they have never passed parliament, the following authority may be considered as decisive. Lord Hardwicke cites in *2 Atk.* 605, the opinion of Lord Holt, and declares, “ it is not denied by any one, that it is very plain all the Clergy “ are bound by the Canons, confirmed by the King “ only :” and again, in *More v. More*, *2 Atk.* 158, it is laid down, “ that the Canons must be pursued with the “ utmost exactness by ecclesiastical persons.”†

\* Bla, Com. vol. 1. p. 83. \*

† Of the four species of Courts in England, in which the canon laws (as well as the civil law) are permitted under different restrictions to be used, the Courts of the Archbishops and Bishops and their derivative offices are mentioned. In all it is laid down the reception of those laws, in general, and the different degrees of that reception, are grounded entirely upon custom. *1 Com.* 83. Thus ;—

1. The courts of common law have the superintendency over these Courts, to keep them within their jurisdiction, to determine wherein they exceed them, and to restrain and prohibit such excess; and in case of contumacy, to punish the officer who executes, and in some cases the Judge who enforces the sentence so declared to be illegal.

Having thus ventured to repeat what has been before observed, the author would again insert, though at some length, the following passages from the primary charge of Bishop Middleton, the Primate first appointed in India, delivered at Calcutta in 1815, if only in support of the decision last alluded to, and as proving that the Law in question, is thought to be universally obligatory on the Clergy of the Church of England, wherever they are placed.

In the recent establishment of the Bishoprics in this country, these extracts, for many years to come, cannot but be found to be most interesting as well as applicable; admirably pointing out, as they do, the measures yet necessary to be pursued, and adhered to, for giving complete effect to the purposes which it must be presumed the legislature contemplated from the first, when it made provision for an Episcopal establishment in British India; and as laying down some of the practical duties concerning, at this date, not only the Chaplains ecclesiastically, but the other Clergy in these Dioceses, and forming the subjects discussed in this work.

2. The common law has reserved to itself the exposition of all such statutes as concern either the extent of these Courts, or the matters depending before them, and therefore if the Courts either refuse to allow those acts of parliament, or will expound them in any other sense than what the law puts on them, the Courts at Westminster will grant prohibitions to restrain and controul them.

3. An appeal lies from all these Courts to the King in the last resort, which proves that the jurisdiction exercised in them is derived from the Crown of England, and not from any foreign potentate or intrinsic authority of their own. *See stat. 25. H. 8, cap. 21.*

From these three strong marks and ensigns of superiority, it appears beyond a doubt, that the canon (and civil) laws, though admitted in some cases by custom, in some Courts, are only subordinate '*et leges sub graviore lege;*' and that thus admitted, restrained, altered, new modelled and amended, they are by no means a distinct, independent, species of laws, but inferior branches of the customary or unwritten laws of England, properly called the King's ecclesiastical, military, maritime, or academical laws. 1. *Bla. Com.* 83, 84 and see also 3 *Bla. Com.* 102, 103.

“ I am fully aware, that in proceeding to the consideration of these points, I am entering upon a subject of no common difficulty : I am deeply sensible of the difference, which subsists between the condition of Christianity in these regions, and the order and stability, which it has long attained in England : I am ready to admit, that the duties of the Clergy are here to be performed in circumstances somewhat peculiar ; that the public feeling is to be considered and conciliated ; and that the suggestions of Christian prudence nowhere require to be observed with stricter care : but the inferences, which arise from this state of things, must be drawn with discrimination, or they will lead to consequences, which instead of removing our difficulties, could only tend to increase them. You are not to infer, where an object is definite, and legitimate, and accompanied, as we cannot doubt, with God’s blessing, that impediments, however formidable in the outset, can in their nature be permanent : it would be wrong to infer, that schemes of improvement are not to be prosecuted with ardour, because hitherto they have been scarcely thought of, or under every disadvantage have failed ; and admitting the existence of difficulties to the utmost extent, I will venture to remind you, that the just conclusion is the necessity of a ready and conscientious co-operation under one head ; upon whom, after all, (and I feel it to be no light responsibility,) the blame of failure must principally rest. And when we recollect, that those who have been most forwarded to allege the peculiar circumstances of this country as arguments against improvement, have usually been persons not remarkable for their attachment to the Christian cause, I trust that the last to insist upon impediments, and to shelter themselves behind anomalies, will be the English

“ Clergy. We have no natural impediments to contend  
“ against, but the manners and habits incidental to an en-  
“ ervating climate : and yet there is no region on the earth  
“ where the religion of Jesus, if due care be taken to  
“ plant and to water it, will not flourish. The most  
“ dissipated city of the East became one of the earliest  
“ and most distinguished seats of the Gospel. We know  
“ that ‘the disciples were called Christians first at An-  
“ tioch ;’ and that a branch of the church of Antioch has  
“ subsisted for centuries, under every discouragement,  
“ amidst the mountains of Malabar.”

The Bishop then, afterwards continues ; “ My Letters  
“ Patent direct me to administer the ecclesiastical laws,  
“ as they are received in the realm of England : and  
“ they evidently contemplate no other discipline, than  
“ that under which our Church has been favoured with  
“ such manifestations of the Divine blessing, and still  
“ continues, notwithstanding the cavils of bigoted or  
“ ignorant men, to be the great depositary of scriptural  
“ knowledge and sacred truth, and, under Christ, the  
“ main support of Christian piety throughout the world.

“ It is needless, I trust, in any circumstances, to em-  
“ ploy much time in reminding Clergymen of the obli-  
“ gation which they contracted, when they solemnly  
“ devoted themselves to their holy calling ; to bring to  
“ their recollection, that they promised, by the help of  
“ God, to ‘give faithful diligence always so to minister  
“ the doctrine and sacraments, and the discipline of  
“ Christ, as the Lord hath commanded, and as this  
“ Church and realm hath received the same ;’ and that  
“ in the public worship of God they will use the form pres-  
“ cribed in the Book of Common Prayer, and none other :  
“ an engagement, which precludes addition and omission,  
“ and every alteration whatever. And yet, perhaps, in the  
“ peculiar circumstances attending the situation of the

“ Clergy in this country, one great danger to which they  
“ have been exposed, has been that of falling into habitual  
“ neglect of canonical regularity: some practices of this  
“ kind have, in truth, come to my knowledge, of which,  
“ in the reliance that they will not be persisted in, I  
“ would much rather suggest the excuse, than pronounce  
“ the censure. I am ready to admit, that the Clergy  
“ have hitherto been placed in a condition by no means  
“ favorable to the correct and regular performance of  
“ their duties. It is doubtless a high advantage enjoy-  
“ ed by your brethren in England, that their atten-  
“ tion is so frequently drawn to every topic connect-  
“ ed with their profession. Episcopal and archidiaconal  
“ visitations afford the means of instruction and ad-  
“ vice, as well as of a ready and frequent intercourse  
“ among the Clergy of the same district: the example of  
“ an incumbent of revered character and approved judg-  
“ ment silently yet powerfully operates on his younger  
“ brethren, who are placed in his immediate neighbour-  
“ hood: and occasionally, the penalties inflicted on the  
“ grosser derelictions of duty, and sometimes even on the  
“ omission of forms, will not suffer any to fall into a ge-  
“ neral inattention to subjects of this nature. In the  
“ utter absence of these helps and restraints, it cannot  
“ be matter of surprise, if uncanonical practices have  
“ sometimes been admitted; especially in a country,  
“ where the laity themselves, little conversant with such  
“ subjects, have not exacted from the Clergy the same  
“ attention to established order, which is generally ex-  
“ pected at home. These considerations seem to demand,  
“ especially at this our first meeting, that I should some-  
“ what enlarge upon the topic of discipline.

“ The age in which we live, is not generally chargeable  
“ with any want of zeal in behalf of religion. The value  
“ of Christianity is felt and acknowledged by the great

“ mass of Christians; and very praiseworthy efforts are  
“ made for its diffusion. Much, however, of this zeal is  
“ destitute of regulation, or is directed only by the pri-  
“ vate views and notions of those, by whom it is cherished ;  
“ and while those notions are so discordant, and are  
“ sometimes inculcated with so little regard to any re-  
“ cognised authority, it is to be expected, that the obli-  
“ gation to order in religious proceedings should be little  
“ attended to, and, in consequence, not generally under-  
“ stood : there seems even to be a prejudice against it,  
“ as if it were injurious to zeal, by having a tendency to  
“ cramp its exertions, and to narrow the range of piety.  
“ It may be supposed, that an order of men, who have  
“ voluntarily adopted the sober views of the Church of  
“ England, and who know the grounds on which her dis-  
“ cipline is established, and have had experience of its use  
“ and necessity, will be little liable, on such a subject, to be  
“ affected by the fluctuating opinions of the day ; and  
“ yet, perhaps, it is too much to hope, that any of us,  
“ especially in such circumstances, should be wholly  
“ exempt from the influence of prevailing sentiment ;  
“ human nature is too weak to adhere invariably and  
“ inflexibly to principles, which, however solemnly  
“ adopted and powerfully established, are yet dispa-  
“ raged in the public estimation, and not always observ-  
“ ed in practice. I would remind you, then, that the or-  
“ der and discipline of our Church are an integral part  
“ of its constitution, considering it as an instrument  
“ in the hands of God for the maintenance and diffu-  
“ sion of truth. The inculcation of sound doctrine is  
“ perceived by the most superficial, to be the highest  
“ object and aim of religious instruction ; but it is not  
“ always remembered, that sound teaching can be main-  
“ tained only by salutary discipline ; and that the unity  
“ of truth must be preserved by a reference to some

“ particular interpretation of Scripture. Neither can  
“ provision be generally made for the maintenance of  
“ religion, but through the aid of an Ecclesiastical po-  
“ lity ; not necessarily, indeed, enjoying the sanction and  
“ protection of the State, but sufficiently strong to main-  
“ tain and enforce its regulation against opposition :  
“ which, however, in the present condition of society,  
“ is scarcely supposable to any great extent, without  
“ the assistance of the temporal power. And such ap-  
“ pears to be the actual constitution of the Church  
“ of England. Its government and discipline origi-  
“ nally emanate from higher authority than any human  
“ enactments, or the power of princes ; even from the  
“ word of God, and the promises of Christ, and the  
“ practice of his apostles : its liturgy and its articles,  
“ though of human composition, are yet interpretations  
“ of Scripture by persons, to whom was committed  
“ the ministry of the word : and the rubrie, which it  
“ has framed to preserve a decency and propriety of  
“ worship, and the canons, by which it has provided  
“ for its government, are the results of piety and experi-  
“ ence applied to these particular subjects. The part  
“ which the State has taken in these proceedings, has  
“ been only to adopt and to sanction them, and to secure  
“ to the Clergy, who teach in conformity with such  
“ principles, the emoluments, which, a Christian State  
“ will appropriate to the maintenance of the Gospel, to-  
“ gether with certain immunities and honours, to uphold  
“ them in the eyes of the world.

“ If this statement, then, be just, nothing can be more  
“ unfounded than any prejudice against the order and  
“ discipline of our Church, as tending to interfere with a  
“ salutary zeal ; I mean, supposing such prejudice to  
“ subsist among many of its members. With respect to  
“ others, the case is more intelligible, though it hardly

“deserves our notice : it is natural for those, who have  
“no idea of sacred truth beyond the narrow views of the  
“sect or party, with which they happen to be connected,  
“to cherish a hope, that if the established interpretations  
“of Scripture were divested of authority, and order and  
“system could be brought into disrepute, their opinions  
“would meet with less opposition : but with such we have  
“at present no concern. For us it is sufficient to be con-  
“vinced, that all the undoubted verities of Scripture  
“are maintained and inculcated by our Church ; that it  
“furnishes the most ample means of grace, and well-  
“founded hopes of glory ; that its rites are primitive,  
“and decent, and edifying ; and that it imposes no res-  
“traints on zeal, but such as are necessary to order and  
“peace, and to the maintenance of that establishment,  
“under which the purposes of genuine piety are most  
“easily attainable : and if any occasional inconvenience  
“seems to result from the operation of the rules which  
“it has prescribed, it will be right to consider, though I  
“cannot imagine a case, in which the inconvenience can  
“be shewn, that in this, as in other instances, particular  
“must give way to general good.

“But in considering the unreasonableness of the pre-  
“judices against ecclesiastical discipline, it were unjust  
“to rest its defence upon abstract principles, or even upon  
“the constitution of the Church of England. The pri-  
“mitive Church, if we may rely upon the records of its  
“earliest proceedings, was not more remarkable for the zeal  
“and intrepidity of its preachers, than for their strict con-  
“formity to order, and their care to inculcate respect for  
“discipline on the minds of their converts. To imagine  
“that the first Christians bore any resemblance to the  
“wild fanatics, who act as if it were a mark of piety  
“to despise dominion and to speak evil of dignities,\*

\* Jude 8

" would indicate an utter ignorance of the history of our  
" religion. It is well known, that the order and disci-  
" pline, the foundation of which had been laid by the  
" apostles, was a subject of unremitting attention in their  
" immediate successors. Not only is this apparent from  
" the writings of the apostolical fathers, but still more  
" so, if possible, from the history of the early councils,  
" and the care to provide for every emergency in the  
" government of the rising church. Many of the canons  
" decreed at these councils refer to doctrine, and scarcely  
" fewer to discipline: and though it is admitted, that  
" the work which has come down to us, under the  
" name of 'apostolical canons,' did not actually proceed  
" from the apostles, it has been shewn to be of an  
" antiquity little posterior to the apostolic age, and  
" in the judgment of Bishop Beveridge has merited, the  
" appellation of 'the Code of the Primitive Church.'"<sup>\*</sup>  
" The truth appears to be, that the zeal of the early  
" Christians went hand in hand with order and submis-  
" sion to authority; and whatever may be alleged of the  
" influence and splendour, which the Church acquired  
" by the conversion of Constantine, it is certain that the  
" jurisdiction of the hierarchy had been fully recognised  
" from the earliest times; and that the great body of  
" Christians evinced a conscientious obedience to laws  
" enforced under no other penalty than that of spiritual  
" excommunication, and deriving no support from the  
" State."

Bishop Middleton then proceeds to apply this part of his address, as connected with the possible extension of the Gospel in India; and after reverting to an act of the legislature in the reign of King William, which enjoins, that "such Ministers, as should be sent to reside in India, should apply themselves to learn the native

\* Vide Cotelieri Patres Apostolicos, vol. I, p. 432.

"language of the country, the better to enable them to "instruct the Gentoos, who should be servants of the "Company, or of their agents, in the Protestant reli- "gion,"\* continues the above subject as follows:—

"Every consideration, which can be urged in behalf of "our national Church, clearly supposes it to be well "administered, and that the Clergy, each in his station, "be observed to discharge their allotted duties with re- "gularity and regard to system. We otherwise become "unconnected individuals, and cannot possess in the "public estimation any advantage arising from our "peculiar fitness to form a general standard. Even with "a view to our making converts by the mere force of "example, the effect of such regularity can hardly fail to "be felt. In the early ages, unbelievers, in endeavouring "to account for the rapid progress of the Gospel, laid "great stress on the regularity and order of the Clergy; "and Sozomen<sup>f</sup> has preserved to us a remarkable letter "of Julian the apostate to the high priest of Galatia, in "which he urges the priest to engraft on paganism the "laws and usages, by the observance of which the Chris- "tian Clergy had been so successful. But in the "lowest view of the subject, and supposing that in the "plan of Providence other means should be chiefly effec- "tual in disseminating the truth, if the doctrines of our "Church are ultimately to be received as the preferable "interpretation of Scripture, they must be diligently "and consistently inculcated; and if her discipline is to "be the model, it must be exhibited in all its strength. "This is our proper vantage ground; and if we are veri- "ly persuaded, that the purest principles of the Chris- "tian faith are those which we are pledged to maintain, "and that our Church is really built on the foundation

\* Charter of the East India Company, A. D. 1698.

| Hist. Eccles. lib. v. c. 16.

“ of the apostles and prophets, Jesus Christ himself being  
“ the chief corner-stone, we shall not abandon our ground  
“ by remissness, by irregularity, or by specious attempts  
“ at accommodation.”\*

The contents of the present volume will be seen from the following table. The subjects have reference only to that branch of the Ecclesiastical Law denominated *the Voluntary Jurisdiction* of the Bishops, having reference chiefly to the order and discipline of the Clergy, in these Dioceses, as already alluded to. The practical forms at the end of each chapter, are those which are yet continued to be followed, and were adopted on the introduction of the Indian Episcopate in this Country, in 1814.

The Appendices contain the 39 articles; the canons of 1603, Bishop Parker's Table of kindred and affinity in relation to the Laws of Marriage; the ecclesiastical Division of Calcutta into Parochial districts by Bishop James for regulating the duties of the Clergy as appointed; and as immediately connected with these Bishopricks, an account of Bishop's College, and its Missions.

The author has also added, by the express desire of the present Metropolitan, some printed Suggestions or Hints, of his Lordship, circulated for the assistance of the Clergy in his Diocese. The Bishop, as the Author is requested to mention, has revised them from time to time during the last ten years, and continues to do so, as new circumstances arise.

If in this second imperfect effort, he should prove to have justified in the least, the flattering request made of him, for the present edition, and be considered to have rendered any service to the Church emphatically by Law

\* Charge delivered to the Clergy of the Diocese of Calcutta, on the 7th December 1815, at the Primary Visitation, by T. F. MIDDLETON, D.D., F.R.S. Lord Bishop of Calcutta.

established in the East Indies, or to have been in any degree indirectly useful to the State, accomplishing in some measure that end, which he humbly acknowledges, might have been better attained by superior talents, he can only add, in conclusion, that the reflection of his having so far succeeded, will ever afford him the highest gratification.



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*Extracts from the different Acts of Parliament, together with  
the several Letters Patent of the Crown, relating to the  
Bishopricks in the East Indies.*

53 GEO. III. CAP. 155.

SECT. 49. AND whereas no sufficient provision hath hitherto been made for the maintenance and support of a Church Establishment in the British Territories in the East Indies, and other parts within the limits of the said Company's Charter; Be it therefore enacted, that in case it shall please His Majesty by his Royal Letters Patent under the great seal of the said United Kingdom to erect, found, and constitute, one Bishoprick for the whole of the said British Territories in the East Indies and parts aforesaid, one Archdeaconry for the Presidency of Fort William in Bengal, one Archdeaconry for the Presidency of Fort Saint George on the Coast of Coromandel, and one Archdeaconry for the Presidency and Island of Bombay on the Coast of Malabar, and from time to time to nominate and appoint a Bishop and Archdeacon to such Bishoprick and Archdeaconries respectively, the Court of Directors of the said Company shall and they are hereby required to direct and cause to be paid certain established salaries to such Bishop and Archdeacons respectively, that is to say, from and out of the revenues of the said Presidency of Fort William in Bengal, to the said Bishop five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee, and to the said Archdeacon of the said Presidency of Fort William two thousand pounds by the year, at the like exchange, and from and out of the revenues of the Presidency of Fort Saint George on the coast of Coromandel, to the Archdeacon of the said Presidency of Fort Saint George two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras, and from and out of the revenues of the Presidency and Island of Bombay on the coast of Malabar, to the Archdeacon of the said Presidency and Island of Bonbay two thousand pounds by the year, at an exchange of two shillings and three pence.

50. And be it further enacted, that the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively shall take upon them the execution of their respective offices, and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, and that no fees of office, perquisites, emoluments or advantages whatsoever shall be accepted, received or taken in any manner, or on any account or pretence whatsoever, other than the salaries aforesaid, and that such Bishop and Archdeacons respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East Indies or parts aforesaid and no longer.

If a Bishop and  
three Archdeacons  
shall be established in  
India by His Majesty's  
Letters Patent, their  
salaries to be paid by  
Company.

Directs salaries to  
commence on taking  
office to be in lieu of  
fees, and to cease  
when functions cease.

Bishop to have no jurisdiction or functions except such as shall not have or use any jurisdiction or exercise any episcopal functions whatsoever, either in the East Indies or elsewhere, but only such may be limited by Letters Patent.

51. Provided always, and be it further enacted, that such Bishop jurisdiction and functions as shall or may from time to time be limited to him by His Majesty by Letters Patent under the great seal of the United Kingdom.

His Majesty may grant to Bishop by Letters Patent such ecclesiastical jurisdiction as he may think necessary.

52. And be it further enacted, that it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Letters Patent under the great seal of the said United Kingdom to grant to such Bishop so to be nominated and appointed as aforesaid, such ecclesiastical jurisdiction and the exercise of such episcopal functions within the East Indies and parts aforesaid as His Majesty shall think necessary, for the administering holy ceremonies and for the superintendence and good government of the Ministers of the Church establishment within the East Indies and parts aforesaid, any law, charter, or other matter or thing to the contrary notwithstanding.

Warrant for Letters Patent to be countersigned by President of Board of Control.

53. And be it further enacted, that when and as often as it shall please His Majesty to issue any Letters Patent respecting any such Bishoprick or Archdeaconry as aforesaid, or for the nomination or appointment of any person thereto, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissions for the Affairs of India.

His Majesty may grant pensions to Bishops and Archdeacons who have discharged functions in India for fifteen years.

54. And be it further enacted, that it shall and may be lawful for His Majesty by warrant under the Royal sign manual, countersigned by the Exchequer for the time being, to grant any such Bishop and Archdeacons respectively who shall have exercised in the East Indies or parts aforesaid for fifteen years the office or offices of Bishop or Archdeacon, or either of them, the following pensions, that is to say, to any such Bishop, fifteen hundred pounds *per annum*, and to any such Archdeacon a pension not exceeding eight hundred pounds *per annum*; which said pension shall be paid and defrayed quarterly by the said Company, and shall be deemed and taken as part of the political charges of the said Company.

Court of Directors required to pay and advance amongst others, to Bishop and Archdeacons certain sums for expences of equipment and voyage.

89. And whereas by a certain Act passed in the thirteenth year of His present Majesty's reign, intituled "an Act for establishing certain regulations for the better management of the affairs of the East India Company as well in India as in Europe," it is enacted, that the salaries of the Governor General and Council of Fort William and of the Chief Justice and Judges of the Supreme Court of Judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain, and that the salaries of all such persons who shall at the time of their appointment be resident in India shall commence from and after their respectively taking upon them the execution of their offices; and whereas, by an Act passed in the fortieth year of His Majesty's reign, intituled, "an Act for establishing further regulations for the Government of the British Territories in India, and the better administration of justice within the same," a similar provision is made in respect to the salaries of the Chief Justice and Judges of the Supreme Court of Judicature at Madras, and whereas by an Act

passed in the thirty-seventh year of His Majesty's reign, intituled, " an  
" Act for the better administration of justice at Calcutta, Madras and <sup>39 and 40 G. 3. c.</sup>  
" Bombay, and for preventing British subjects from being concerned <sup>79. § 37.</sup>  
" in loans to the native princes in India," a similar provision is made in  
respect to the salary of the Recorder of the Court of Judicature at Bom-  
bay, and whereas no such provision has been made respecting the com-  
mencement of the salaries of the Governor or Council of Fort Saint  
George, or of the Governor or Council of the Town and Island of Bom-  
bay, or of the Governor of Prince of Wales's Island, or of the Recorder  
there, and whereas it is expedient that a general and moderate provi-  
sion should be made in respect of all the said officers, and of others who  
may happen to be in the United Kingdom at the time of their appoint-  
ments. Be it therefore further enacted, that so much of the said Acts of  
the thirteenth, thirty-seventh, and fortieth years of His Majesty's reign,  
as relates to the commencement of salaries, shall be and the same is  
hereby repealed: and that from and after the passing of this Act, the  
salaries of the several officers herembefore mentioned shall commence  
from and after their respectively taking upon them the execution of  
their offices, and the said Court of Directors shall, and they are hereby  
required to pay and advance to all and singular the officers and persons  
heremafter mentioned, who shall be resident in the United Kingdom at  
the time of their equipments and voyage, such sums of money as are  
set against the names of such officers and persons respectively: that is  
to say,

[After enumerating the officers and persons, the two following are  
added:]

To the Bishop .....	£1200
To each of the Archdeacons .....	500

## EXTRACTS FROM 4 GEO. 4, CAP. 71.

53 G. 3, c. 155, § 54. SECT. 2. And whereas by the said Act of the fifty-third year of the reign of His said late Majesty King George the Third, provision was made for granting certain pensions to the Bishop of Calcutta, and the Archdeacons of Calcutta, Madras, and Bombay respectively, who should have exercised in the East Indies or parts in the said Act mentioned, for fifteen years, the office or offices of Bishop or Archdeacons; and it is expedient to shorten the period during which such Bishops and Archdeacons respectively are required to hold their said offices before such pensions should be granted to them respectively, and to make other provisions respecting such pensions; Be it enacted, that so much of the said act as relates to such pensions shall be and the same is hereby repealed.

*Repealed.*

*Pensions to Bishop and Archdeacons.*

3. And be it further enacted, that it shall and may be lawful for His Majesty, his heirs and successors, in manner in the said Act mentioned, to grant to any such Bishop who shall have exercised in the East Indies or parts aforesaid, for ten years, the office of Bishop or Archdeacon, and to any such Archdeacon who shall have exercised in the East Indies or parts aforesaid, for ten years, the office of Archdeacon, pensions not exceeding such sums respectively as His Majesty by the said act of the fifty-third of the reign of His late Majesty is empowered to grant to any such Bishop or Archdeacon.

*Chaplains appointed Archdeacons to be entitled to pensions in a certain proportion.*

4. Provided also, and be it further enacted, that if any person residing any time in the East Indies or parts aforesaid, as one of the Chaplains of the said United Company, shall have been or shall be appointed to the office of such Archdeacon aforesaid, and shall have resided in the East Indies or parts aforesaid as such Archdeacon seven years, the period of residence of such person as Chaplain shall be allowed and taken as and for a residence as such Archdeacon in the proportion of three years residence as such Chaplain to two years residence as such Archdeacon; provided also, that nothing herein contained shall extend or be construed to extend to prejudice the right of any person being or having been a Chaplain of the said United Company, to any benefit he may be entitled to under or by virtue of any regulation now in force or hereafter to be made by the said United Company or their Court of Directors, nor to prejudice or affect the right of the said United Company or their Court of Directors, to make, repeal, vary, or alter any regulation or regulations respecting the Chaplains of the said United Company, or the pay or allowances, pensions, or retirements, of such Chaplains, which the said United Company or their Court of Directors, may now lawfully make, repeal, vary or alter.

*Further provision as to Chaplains.*

*Residence and expenses of Visitations of Bishop to be defrayed by Company.*

5. And whereas it is proper that a suitable house of residence should be provided for the said Bishop, and that the expence of his visitations should be defrayed by the said Company; Be it therefore further enacted, that it shall and may be lawful for the said Company, and they are hereby required, to provide a suitable house at Calcutta for the residence of the said Bishop; and that the expence of the visitations to be made by the said Bishop from time to time shall be defrayed by the said Company, out of the revenues of the British Territories in

India: provided always, that no greater sum on account of providing such house, or of such visitations, be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company with the approbation of the Commissioners for the Affairs of India, any law or statute to the contrary notwithstanding.

6. And whereas doubts have arisen whether the Bishop of Calcutta, in conferring holy orders, is subject to the several provisions and limitations established by the laws of this realm or canons ecclesiastical, as to the titles of the persons to be ordained, and as to the oaths and subscriptions to be by such persons taken and made; Be it further declared and enacted, that it shall and may be lawful for the Bishop of Calcutta for the time being to admit into the holy orders of Deacon and Priest respectively, any person whom he shall, upon examination, deem duly qualified, especially for the purpose of taking upon himself the cure of souls or officiating in any spiritual capacity within the limits of the said diocese of Calcutta and residing therein; and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such Bishop, shall be held to be a sufficient title with a view to such ordination, and that in every such case, it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only; and that unless such person shall be a British subject of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make: provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East India Company, for a further term, the possession of the British Territories in India, together with certain exclusive privileges: for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter, or any Letters Patent issued by his late Majesty, or by his present Majesty, their heirs and successors, in virtue of the said Act or of their lawful prerogative."

Proviso.

Bishop of Calcutta  
may admit persons to  
holy orders.

Proviso for 33 G. 3.  
c. 155 and for Letters Patent.

## EXTRACTS FROM 6 GEO. 4, C. 85.

**Provision in case any Judge or Bishop &c. shall die either during his voyage or within six months after his arrival, &c.**

**SECT. 5.** "That in all cases from and since the said twenty-second day of January, one thousand eight hundred and twenty-two, in which it has already happened, or when and as often as it shall hereafter happen, that any Chief Justice or Puisne Judge of any of the said Supreme Courts of Judicature at Fort William in Bengal, Madras or Bombay, or the Recorder of Prince of Wales' Island, or any Bishop of Calcutta, shall have departed or shall hereafter depart this life, either during his voyage to India or within six Calendar Months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such Chief Justice or Puisne Judge, Recorder or Bishop, the Court of Directors of the said United Company shall, and they are hereby required to pay or direct and cause to be paid out of the Territorial Revenues from which the salary of such Chief Justice, or Puisne Judge, Recorder or Bishop so dying shall be payable to the legal personal representatives of such Chief Justice or Puisne Judge, Recorder or Bishop so dying as aforesaid, such sum or sums of money as shall together with the sum or sums paid to or drawn by such Chief Justice or Puisne Judge, Recorder or Bishop, in respect of his salary, make up the full amount of one year's salary of the office to which he shall have been appointed; and that from and since the first day of January, one thousand eight hundred and twenty-three, when and as often as it shall have happened, or shall hereafter happen, that any such Chief Justice or Puisne Judge, Recorder or Bishop hath departed or shall depart this life while in possession of such office, and after the expiration of six Calendar Months from the time of his arrival in India for the purpose of taking upon him the office of Chief Justice, Puisne Judge, Recorder or Bishop, then and in all and every of such cases the said Court of Directors shall, and they are hereby required to pay or direct and cause to be paid out of the Territorial Revenues from which the salary of such Chief Justice, Puisne Judge, Recorder or Bishop so dying shall be payable, to the legal personal representatives of such Chief Justice or Puisne Judge, Recorder or Bishop respectively so dying as aforesaid over and above what may have been due to such Chief Justice or Puisne Judge, Recorder or Bishop respectively at the time of his death, a sum equal to the amount of six 'Calendar Months' salary of the office of such Chief Justice or Puisne Judge, Recorder or Bishop respectively."

**55 G. 3. c. 155. 4 G. 4. c. 51. 2 and 3.** XV. And whereas under and by virtue of an Act made and passed in the fifty-third year of the reign of His late Majesty King George the Third, and of another Act made and passed in the fourth year of the reign of His present Majesty provision is made for granting a pension to the Bishop of Calcutta under the limitations therein contained, and it is expedient to make further provision in respect thereof; Be it further enacted, that it shall and may be lawful for His Majesty, His heirs and successors, in manner in the said Act of the fifty-third year of the reign of his late Majesty mentioned, to grant to any such Bishop who shall have exercised within the limits of the Charter of the said United Company the office of Bishop of Calcutta for five years, a pen-

sion not exceeding one-half of the sum which His Majesty, by the said Act of the fifty-third year of the reign of His late Majesty, is empowered to grant to any such Bishop; and also to grant to any such Bishop who shall have exercised within the limits aforesaid the said office of Bishop of Caleutta for seven years, a pension not exceeding two-thirds of the sum which His Majesty, by the said Act of the fifty-third year of His late Majesty's reign, is empowered to grant to any such Bishop.

XVI. Provided also, and be it further enacted, that it shall not be lawful for His Majesty, his heirs or successors, to direct any such allowance to be made to any such Chief Justice, Puisne Judge, Recorder or Bishop respectively, who before he shall have held and exercised such office or some or one of such offices for the space of ten years in the whole, shall resign his said office for any other cause than in consequence of illness or infirmity to be proved to the satisfaction of His Majesty, his heirs or successors.

Resignation under  
ten years service for  
other cause than ill-  
ness not entitled to  
pension.

### EXTRACTS FROM 3 AND 4, WILL 4, C. 85.

SECT. 89. "And whereas the present Diocese of the Bishoprick of Calcutta is of too great an extent for the incumbent thereof to perform officially all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labour of the Bishop of the said Diocese, and for that purpose to make provision for assigning new limits to the Diocese of the said Bishop, and for founding and constituting two separate Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his successors, as their Metropolitan; Be it therefore enacted that in case it shall please His Majesty to erect, found and constitute two Bishopricks, one to be styled the Bishoprick of Madras and the other the Bishoprick of Bombay, and from time to time to nominate and appoint Bishops to such Bishopricks under the style and title of Bishops of Madras and Bombay respectively, there shall be paid from and out of the revenues of the said territories to such Bishops respectively, the sum of 24,000 Sicea Rupees by the year."

Respecting the in-  
convenient extent of  
the Diocese of Cal-  
cutta.

SECT. 90. "That the said salaries shall commence from the time at which such persons as shall be appointed to the said office of Bishop shall take upon them the execution of their respective offices; and that such salaries shall be in lieu of all fees of office, perquisites, emoluments or advantages whatsoever, and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received or taken by such Bishop or either of them in any manner or on any account or pretence whatsoever, other than the salaries aforesaid, and that such Bishops respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the British Territories aforesaid."

If the King erects  
Bishopricks of Madras  
and Bombay, certain  
salaries to be paid to  
the Bishops.

Such salaries to  
commence from the  
time of taking office  
and to be in lieu of  
all fees, &c.

SECT. 91. "That the said Court of Directors shall, and they are required to pay to the Bishops so from time to time to be appointed to

Passage Money for  
each such Bishop.

the said Bishopricks of Madras and Bombay, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of 500*l.* each, for the purpose of defraying the expenses of their equipments and voyage."

*As to Jurisdiction of such Bishops.*

SECT. 92. "Provided always, that such Bishops shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the said Territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by His Majesty by his Royal Letters Patent under the great seal of the said United Kingdom."

*The King empowered by Letters Patent to limit Jurisdiction and Functions.*

SECT. 93. "That it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Royal Letters Patent under the great seal of the said United Kingdom, to assign limits to the Diocese of the Bishoprick of Calcutta, and to the Diocese of the said Bishopricks of Madras and Bombay respectively, and from time to time to alter and vary the same limits respectively as to His Majesty shall seem fit, and to grant to such Bishops respectively within the limits of their respective Dioceses, the exercise of such episcopal functions and of such ecclesiastical jurisdiction as His Majesty shall think necessary for the superintendence and good government of the Ministers of the United Church of England and Ireland therein."

*The Bishop of Calcutta to be Metropolitan in India.*

SECT. 94. "Provided always that the Bishop of Calcutta for the time being shall be deemed and taken to be the Metropolitan Bishop in India, and as such, shall have, enjoy, and exercise all such ecclesiastical jurisdiction and episcopal functions, for the purposes aforesaid, as His Majesty shall by his Royal Letters Patent under the great seal of the said United Kingdom think necessary to direct, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being; and that the Bishops of Madras and Bombay for the time being respectively shall be subject to the Bishop of Calcutta for the time being as such Metropolitan, and shall, at the time of their respective appointments to such Bishopricks, or at the time of their respective consecrations as Bishop, take an oath of obedience to the said Bishop of Calcutta in such manner as His Majesty by his said Royal Letters Patent shall be pleased to direct."

*Warrant for bills on Letters Patent appointing Bishops.*

SECT. 95. "That when and as often as it shall please His Majesty to issue any Letters Patent respecting the Bishoprick of Calcutta, Madras or Bombay, or for the nomination or appointment of any person thereto respectively, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person."

*The King may grant pensions to Bishops of Madras or Bombay.*

SECT. 96. "That it shall and may be lawful for His Majesty, his heirs and successors, by warrant under his Royal sign-manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of Madras or Bombay respectively, who shall have exercised in the British Territories aforesaid for fifteen years the office of such Bishop, a pension not exceeding 800*l. per annum* to be paid quarterly by the said Company."

*Respecting voluntary of a Bishop of Madras or Bombay dying within six months after arrival.*

SECT. 97. "That in all cases when it shall happen that the said person nominated and appointed to be Bishop of either of the said Bishopricks of Madras or Bombay, shall depart this life within six Calendar Months

next after the day when he shall have arrived in India for the purpose of taking upon him the office of such Bishop, there shall be payable out of the Territorial Revenues from which the salary of such Bishop so dying shall be payable, to the legal personal representatives of such Bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Bishop in respect of his salary, make up the full amount of one year's salary; and when and so often as it shall happen that any such Bishop shall depart this life while in possession of such office, and after the expiration of six Calendar Months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable, out of the Territorial Revenues from which the salary of the said Bishop so dying shall be payable, to his legal personal representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such Bishop for six Calendar Months."

SECT. 98. "That if it shall happen that either of the Bishops of Madras or Bombay shall be translated to the Bishoprick of Calcutta, the period of residence of such person as Bishop of Madras or Bombay, shall be accounted for and taken as a residence as Bishop of Calcutta; and if any person now an Archdeacon in the said territories shall be appointed Bishop of Madras or Bombay, the period of his residence in India as such Archdeacon shall, for all the purposes of this Act, be accounted for and taken as a residence as such Bishop."

*As to Residence of  
Bishop of Madras or  
Bombay if translated  
to Calcutta.*

SECT. 99. "Provided also, that if any person under the degree of a Bishop shall be appointed to either of the Bishoprick of Calcutta, Madras or Bombay, who at the time of such appointment shall be resident in India, then and in such case it shall and may be lawful for the Archbishop of Canterbury, when and as he shall be required so to do by His Majesty by his Royal Letters Patent under the great seal of the said United Kingdom, to issue a commission under his hand and seal, to be directed to the two remaining Bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a Bishop."

*As to consecration  
of any person under  
the degree of a Bishop,  
resident in India  
appointed to a Bi-  
shopric.*

SECT. 100. "That the expenses of Visitations to be made from time to time by the said Bishops of Madras and Bombay respectively, shall be paid by the said Company out of the Revenues of the said Territories; provided that no greater sum on account of such Visitations be at any time issued than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of India."

*Previous to the 1<sup>st</sup> Jan.  
1788, of Visitations.*

SECT. 101. "That no Archdeacon hereafter to be appointed for the Archdeaconry of the presidency of Fort William in Bengal, or the Archdeaconry of the presidency of Fort St. George, or the Archdeaconry of the presidency and Island of Bombay, shall receive in respect of his Archdeaconry any salary exceeding 3,000 Secca Rupees per annum: Provided always that the whole expense incurred in respect of the said Bishops and Archdeacons shall not exceed 120,000 Secca Rupees per annum."

*No Archdeacon in  
India to have a salary  
exceeding One Sixty  
Rupees.*

## EXTRACTS 5 AND 6, VICTORIA, CAP. 119.

An Act to enable Her Majesty to grant Furlough Allowances to the Bishops of Calcutta, Madras, and Bombay, who shall return to Europe for a limited period after residing in India a sufficient time to entitle them to the highest scale of Pension.

(12th August 1842.)

“Whereas by Law the salaries of the Bishops of Calcutta, Madras and Bombay respectively, are payable to them respectively only so long as they respectively exercise the functions of their several offices in the East Indies, and no longer; and the Pensions which Her Majesty is empowered to grant to such Bishops respectively can by Law be granted only on their respective resignation of their said offices: And whereas it is expedient to enable Her Majesty to make a moderate provision for such of the said Bishops who, after such residence in the East Indies as hereinafter mentioned, shall, with Her Majesty’s permission, return to Europe for a period not exceeding eighteen Calendar Months, and also to provide for making a further payment to the Bishop of Madras and the Bishop of Bombay respectively, if during such absence of the Bishop of Calcutta such Bishop of Madras or Bombay shall perform the functions of the said Bishop of Calcutta;” be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the

*Empowering Her Majesty to grant Allowances to East India Bishops absent on leave.*

same, that in case Her Majesty shall be pleased from time to time or at any time to grant permission to any Bishop of Calcutta, who shall have resided in the East Indies for a period of ten years, and to any Bishop of Madras or of Bombay who shall have resided in the East Indies for a period of fifteen years, to return to Europe for a period not exceeding eighteen Calendar Months from the time of departure from the East Indies, then and in every such case it shall be lawful for Her Majesty, in manner mentioned in an Act of the fifty-third year of the reign of His Majesty George the Third as to the grant of the pension to the Bishop of Calcutta, to grant to such Bishop of Calcutta, Madras, or Bombay respectively, so returning to Europe, a Furlough Allowance not exceeding the highest amount of Pension which Her Majesty is by law empowered to grant to any such Bishop, and for a period not exceeding eighteen Calendar Months from the time of the departure of such Bishop from the East Indies.

*Further Furlough and Allowance may be granted.*

II. And be it enacted, that it shall be lawful for Her Majesty to grant to any such Bishop who, having obtained such Furlough and received such Furlough Allowance, shall have returned to the East Indies, and have resumed the functions of his office, a second Furlough of similar duration and of similar amount, to commence from and after the expiration of five years from the time of such Bishop’s resuming the exercise of his Functions in the East Indies.

*Allowance to but one Bishop at a time.*

III. Provided always, and it is hereby enacted, that it shall not be lawful for Her Majesty to grant such Furlough Allowance to more than one such Bishop at one and the same time.

IV. And be it enacted, that in case it shall please Her Majesty to extend the Ecclesiastical Jurisdiction and functions of the Bishops of Madras and Bombay, or of either of them so as to enable such last-mentioned Bishop, during such absence of the Bishop of Calcutta, to perform the functions of the said Bishop of Calcutta, then and in that case, so long as the Bishop of Madras or the Bishop of Bombay shall perform the functions of the Bishop of Calcutta, the said Bishop of Madras or the Bishop of Bombay shall, in addition to his salary as Bishop of Madras or Bombay, have and be entitled to a further Annual Allowance of ten thousand Company's Rupees for so long time as he shall perform the functions of such Bishop of Calcutta.

Additional Allowance to Bishops performing functions of Bishops absent on Furlough.

## LETTERS PATENT.

2ND MAY, A. D. 1814, 54 GEO. 3.

GEORGE the Third, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come; Greeting. Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of Our loving subjects resident within Our territories under the government of the United Company of Merchants of England trading to the East Indies. And whereas no sufficient provision has been made for the supply of persons duly ordained to officiate as Ministers of the United Church of England and Ireland, within the said territories, and Our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, for want of a Bishop residing within the same. For remedy of the aforesaid inconveniences and defects, We have determined to erect the aforesaid territories into a Bishop's See, and We do by these presents erect, found, ordain, make, and constitute the said British territories in the East Indies to be a Bishop's See, and to be called from henceforth THE BISHOPRICK OF CALCUTTA. And to the end that this Our intention may be carried into due effect, We having great confidence in the learning, morals, and probity of our well beloved THOMAS FANSHAW MIDDLETON, Doctor in Divinity, do name and appoint him to be Bishop of the said See of Calcutta, so that the said Thomas Fanshaw Middleton shall be and be taken to be Bishop of the Bishop's See of Calcutta, and may by virtue of this Our nomination and appointment enter into and possess the said Bishop's See as the Bishop thereof, without any let or impediment of Us, Our heirs or successors; subject nevertheless to the power of revocation and to the right of resignation hereinafter more particularly expressed. Moreover, We will and ordain by these presents, that the Bishop of the said See of Calcutta, and his successors, shall be subject and subordinate to the archiepiscopal See of the province of Canterbury, and to the most Reverend Father in God, CHARLES, Lord Archbishop of Can-

Letters Patent dated 2nd of May, A. D. 1814, 54 Geo. 3.

The British territories to be a See, to be called the Bishoprict of Calcutta.

T. F. Middleton, D.D. appointed Bishop.

Subject to revocation and resignation.

The Bishop declared to be subject to the province and Arch-bishop of Canterbury.

terbury, primate of all England, and metropolitan, and his successors, in the same manner, as any Bishop of any See within the Province of Canterbury in Our kingdom of England is under the authority of the aforesaid archiepiscopal See of Canterbury and the Archbishop thereof;

*Except in the matter of appeals.*

save and except in the matter of appeals from judgments, decrees, and sentences pronounced by the Bishop of Calcutta or his successors, or by his or their Commissaries, which We will shall not be made to the said Archbishop or to his Courts, but shall be made to Commissioners appointed by Us or Our successors in manner hereinafter set forth.

*Signification thereof* And to the end that all the matters and things herein prescribed may to the Arch-bishop. have their due effect, We do hereby signify to the Most Reverend

Father in God, CHARLES, Lord Archbishop of Canterbury, primate of all England and metropolitan, that We have erected and founded the aforesaid episcopal See of Calcutta, and have named and preferred Our beloved Thomas Fanshaw Middleton, Doctor in Divinity, to the said Bishopric, and have appointed him the Bishop and ordinary Pastor thereof, requiring, and by the faith and love whereby he is bound unto Us, commanding him to consecrate the aforesaid Thomas Fanshaw Middleton Bishop of Calcutta, in manner accustomed, and diligently to do and perform all other things appertaining to his office in this behalf with

*The Bishop to ordain and confirm, and to perform all other functions of a Bishop within the See.* effect. And We do by these presents give and grant to the said Thomas Fanshaw Middleton and his successors, Bishops of Calcutta, full power and authority to confer the orders of Deacon and Priest; to confirm those that are baptised and come to years of discretion; and to perform all other functions peculiar and appropriated to the office of Bishop within the limits of the said See, but not elsewhere; such Bishop and his successors having been first duly ordained or consecrated Bishops according to the form prescribed by the liturgy of the Church

And also by him or his Commissary to exercise jurisdiction spiritual and ecclesiastical, in the several causes specified

of England; and also by himself and themselves or by his or their Commissary or Commissaries to exercise jurisdiction, spiritual and ecclesiastical, in and throughout the said See and Diocese according to the ecclesiastical laws of Our realm of England, which are lawfully made and received in England in the several causes and matters hereinafter in these presents expressed and specified and no other. And

*Declaration concerning the jurisdiction to be exercised.* for a declaration of Our Royal will concerning the special causes and matters in which We will that the aforesaid jurisdiction shall be exercised, We have further given and granted, and do by these presents

give and grant to the aforesaid Bishop and his successors, full power and authority by himself and themselves, or by his or their Commissary or Commissaries by him or them to be thereunto specially authorized,

*To grant licences to officiate.* to grant licences to officiate to all Ministers and Chaplains of all the Churches or Chapels or other places within the said Diocese wherein Divine service shall be celebrated according to the rites and liturgy of the Church of England; and to visit all such Ministers and Chaplains and all Priests and Deacons in holy orders of the United Church of England and Ireland, resident in the said diocese,

with all and all manner of jurisdiction, power and coercion ecclesiastical that may be requisite in the premises, as also to call before him or them or before his or their Commissary or Commissaries at such competent days, hours and places whatsoever, when and so often as to him or them shall seem meet and convenient, the aforesaid Minis-

*To visit.*

ters, Chaplains, Priests or Deacons in holy orders of the United Church of England and Ireland, or any of them, and to enquire by witnesses to be sworn in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done, as well concerning their morals as their behaviour in their said offices and stations respectively. And We do hereby authorize and empower To administer oaths. the said Bishop and his successors, and his and their Commissary and Commissaries to administer all such oaths as are accustomed and by law may be administered, according to the ecclesiastical laws of Our realm of England. And to punish and correct the aforesaid Chaplains, To punish and correct by deprivation, suspension or otherwise. Ministers, Priests, and Deacons in holy orders of the United Church of England and Ireland, according to their demerits, whether by deprivation, suspension, or other such ecclesiastical censure or correction as they would be liable to according to the ecclesiastical laws aforesaid. And for the accomplishment of our intention and for aiding the said Bishop of Calcutta according to the laws and customs of the United Church of England and Ireland, in the due and canonical superintendence of ecclesiastical persons and affairs, We do hereby erect, found and constitute one Archdeaconry in and over the presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta. And one other Archdeaconry in and over the presidency of Fort St. George on the coast of Coromandel, to be styled the Archdeaconry of Madras. And also one other Archdeaconry in and over the presidency and Island of Bombay on the coast of Malabar, to be styled the Archdeaconry of Bombay. All such Archdeaconries to be subject and subordinate to the said Bishop of Calcutta. And to the end that this Our intention may be carried into due effect, We having great confidence in the learning, morals, probity and prudence of Our beloved HENRY LLOYD LORING, Master of Arts; JOHN MOUSLEY, Master of Arts, and GEORGE BARNES, Master of Arts, do name and appoint him the said Henry Lloyd Loring to be Archdeacon of the Archdeaconry of Calcutta, and him the said John Mousley to be Archdeacon of the Archdeaconry of Madras, and him the said George Barnes to be Archdeacon of the Archdeaconry of Bombay, so that they the said Henry Lloyd Loring, John Mousley, and George Barnes, shall be and be taken to be Archdeacons of the Archdeaconries respectively, and may by virtue of this Our nomination and appointment severally enter into and possess the said offices of Archdeacon within the said Archdeaconries respectively; subject nevertheless to the powers of revocation or resignation hereinafter more particularly expressed. And We do hereby signify to the said Thomas Fanshaw Middleton, whom We have by these presents named to be Bishop of Calcutta, that We have nominated the said Henry Lloyd Loring, John Mousley, and George Barnes, to be Archdeacons of Calcutta, Madras, and Bombay respectively, requiring him the said Thomas Fanshaw Middleton to institute the said Henry Lloyd Loring, John Mousley, and George Barnes respectively, to the said Archdeaconries to which we have appointed them, and to do all things appertaining to his office in this behalf with effect. And for a declaration of Our Royal will, in regard to the duties and functions to be exercised by the said Archdeacons and their successors, We do hereby declare that each of the said Archdeacons Declaration in regard to the duties and functions of Archdeacons.

H. L. Loring,  
A. M. Archdeacon of  
Calcutta.

J. Mousley, A. M.  
Archdeacon of  
Madras.

G. Barnes, A. M.  
Archdeacon of  
Bombay.

Subject to revocation and right of re-signation.

Appointments signified to the Bishop.

And to institute.

shall within his said Archdeaconry be assisting to the Bishop of Calcutta in the exercise of such episcopal jurisdiction and functions, as We have hereby been pleased to limit to the said Bishop, according to the duty of an Archdeacon, by the ecclesiastical laws of Our realm of England. And We do hereby further will, ordain, and declare, that each of the said Archdeacons shall within the Archdeaconry be and be taken to be, without further appointment, the Commissary of the said Bishop and his successors, and shall exercise jurisdiction in all matters aforesaid according to the duty and functions of a Commissary by the said ecclesiastical laws. And it is Our further will, and We do hereby further give and grant to the said Bishop of Calcutta and his successors, the right of collating to the said offices of Archdeacons in all times to come, after the death or other avoidance of Henry Lloyd Loring, John Mousley, and George Barnes, whom We have severally by these presents appointed to be first Archdeacons of Calcutta, Madras, and Bombay, any Priest, being one of the Chaplains of the said United Company resident in India. And We will, that during a vacancy of the said See by the demise of the said Bishop or his successors, or otherwise, the episcopal jurisdiction and functions appertaining to the said See shall be exercised as far as by law they may, by the Archdeacon of Calcutta for the time being, or in case of a vacancy of the said Archdeaconry, then by the Archdeacon of Madras, or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the diocese, as may be directed by the Governor General in Council of Fort William. And We do further direct, that during the vacancy of either of the said Archdeaconries respectively, and until the Bishop shall collate thereto, or otherwise provide for the performance of the duties thereof, such duties shall be performed by one of the Chaplains of the said Presidency, and if there be no Chaplain there, then by some discreet Minister in Priest's orders of the Church of England, who shall be nominated as the case may be, for that purpose by the respective Governors in Council of the Presidency in which such vacancy shall happen.

**Archdeacons, Commissioners to the Bishop, according to the duty of Commissioners in England.**

**Power to the Bishop to collate to the Archdeaconries.**

**During the vacancy of the See, episcopal functions to be carried on.**

**During a vacancy of the Archdeaconries**

\* The Court of Directors, Governors, Officers, Judges, &c. and successors, do strictly enjoin as well the Court of Directors of the said United Company and their Governors, Officers and Servants, as all Bishop and Archdeacons in their offices.

Chaplains, Ministers and other Our subjects within the parts aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop and Archdeacons, and his and their successors in the execution of the premises in all things.

In all grave matters, Bishop to proceed according to law to final sentence.

Nevertheless, We will and do by these presents declare and ordain, that in all grave matters of correction, which are accustomed according to the practice of the ecclesiastical laws of Our realm of England to be judicially examined, the same shall in like manner be judicially examined and proceeded in before the said Bishop and his successors, or his or their Commissary or Commissaries aforesaid, in the respective Archdeaconries in which the party to be proceeded against shall reside, and all such causes shall be proceeded in to final sentence in due form of

Bishop to appoint a Registrar in each Archdeaconry law. And We do further will and direct, that the said Bishop and his successors may from time to time appoint a proper and sufficient

person in each Archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed, or the Registrar being unable to act, We will and direct that the said Bishop or the Commissaries respectively may assume any sufficient person as Actuary to do all acts as Registrar. And further, We will and do by these presents declare and ordain, that if any person against whom a judgment or decree shall be pronounced by the said Bishop or his successors, or by his or their Commissary or Commissaries, shall conceive himself to be aggrieved thereby, it shall be lawful for such person to appeal to Us, Our heirs or successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced. And We do hereby

Appeals

nominate, institute, and appoint the Judges of the Supreme Court of Judicature at Calcutta for the time being, and the Members of Council at Calcutta for the time being, to be Our COMMISSIONERS DELEGATE to hear such appeals, and that such Commissioners Delegate or any three of them, of whom one shall be a Judge of the said Supreme Court of Judicature, shall have power finally to decide and determine the said appeals, in as ample manner and form as the Commissioners appointed under our great seal by virtue of the statute made in the twenty-fifth year of the reign of King Henry the Eighth, intituled, "an Act for the submission of the Clergy and restraint of appeals," can or may hear and definitively determine appeals from any of the Courts of the Archbishops of Our realm of England; provided always, that in any sentence to be given by the said Commissioners Delegate, one at least of the said Judges of the Supreme Court of Judicature shall concur. And We do further direct, that the person appointed to act as

Commissioners Delegat, Members of Council, and Judges at Calcutta, three of whom, one to be a Judge, to have power to determine appeals

Registrar within the Archdeaconry of Calcutta, shall act as Registrar of the said Commissioners Delegate, or if there be no such Registrar, such

The Registrar at Calcutta acts as Registrar to Commissioners.

or such Registrar be unable to act, the said Commissioners Delegate may assume an Actuary to do all acts as their Registrar. And We do further will, declare, and ordain, that in case any proceedings shall be instituted against any Archdeacon, such proceedings shall originate and be carried on before Our said Commissioners Delegate, whom We hereby authorize and direct to take Cognizance of the same.

Proceedings against Archdeacons.

And We further will, and do by these presents declare and ordain that in case any Archdeacon appointed as aforesaid, or Chaplain duly appointed by the Court of Directors of the said United Company shall be for any cause whatsoever deprived of his said office, or suspended therefrom, or inhibited from preaching the word of God, or exercising his holy office within the limits of the Presidency to which he shall have been appointed, or shall be subjected to any ecclesiastical punishment or censure whatsoever, by the said Bishop of Calcutta, or by his successors, or by his or their Commissary or Commissaries, a copy of the sentence in such cases promulgated and given, setting forth the causes of such deprivation, suspension, or other ecclesiastical punishment or censure, shall without delay be certified and transmitted by the said Bishop and his successors, or his or their Commissary and Commissaries, to the Governor General in Council at Fort William, or the Governor General in Council at Fort Saint George, or Bombay, as the case may be. And We further ordain, that the Supreme Court of Judicature at Calcutta or Madras, or the

Sentences to be certified and transmitted to the respective Governments.

Power reserved to the Supreme Courts to interfere by prohibition or mandamus

Recorder's Court at Bombay, as the case may be, shall have such and the like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions and rules of practice, as is or has been exercised by our Court of King's Bench at Westminster, in regard to proceedings in the Ecclesiastical Courts in England: regard being had nevertheless to any special provisions or exceptions contained in these our Letters Patent, and to any other laws and regulations specially applicable to or concerning Our territories in the East Indies, or the See and Diocese of Calcutta.

Nothing to alter or  
repeal the charters of  
justice, save as to  
correction of clerks  
and spiritual superin-  
tendence of ecclesi-  
astical persons.

Moreover, it is our Royal will, and We do hereby declare and ordain, that nothing in these presents contained shall extend or be construed to extend, to repeal, vary, or alter, the provisions of our several Charters of the twenty-sixth day of March, in the fourteenth year of Our reign, the twenty-sixth day of December, in the forty-first year of Our reign, and the twenty-eighth day of February, in the twenty-eighth year of Our reign, whereby ecclesiastical jurisdiction was given to the said Courts of Judicature and Recorder's Court respectively, so far as the same does not appertain to the correction of Clerks, or, the spiritual superintendence of ecclesiastical persons, or to give to the said Bishop or Archdeacons, or their successors, any authority or jurisdiction whatever in matters now cognizable in the

Bishop and Arch-  
deacons to be bodies  
corporate, with per-  
petual succession.

said Courts, except as herein last before excepted. Moreover, We will and grant by these presents, that the said Bishop and Archdeacons respectively be bodies corporate, and do ordain, make and constitute him and them to be perpetual corporations and to have perpetual succession.

And to be called and known by the names of Bishop of Calcutta and Archdeacon of Calcutta, Madras, and Bombay, respectively, and that they and their successors by the names aforesaid shall be able and capable to purchase and hold lands, &c.

and enjoy such manors, messuages, lands, rents, tenements, annuities, and hereditaments, of what nature or kind soever in fee and in perpetuity, or for term of life or years, as by grant or licence from the said United Company they shall at any time be authorized to take, hold or enjoy, and also all manner of goods, chattels and things personal whatsoever, of what nature or value soever, and that they and their successors, by and under the said name, may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered, in all manner of Courts of Us, Our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real and personal, and mixed, as well temporal as spiritual, and in all other things, causes, and matters whatsoever. And that the said Bishop and his successors, shall and may for ever hereafter have and use a corporate seal, and the said seal from time to time at his and their will and pleasure break, change, alter, or make new, as to him or them shall seem expedient.

Bishop to have a  
corporate seal.

Nothing to abridge  
any power of the res-  
pecting Governments  
as to residence of any  
person within the  
Company's territory.

and contained shall extend or be construed to extend to limit or abridge any power now by law vested in the Governor General in Council, or Governors in Council of Fort William, Fort St. George and Bombay, respectively, as to the residence of any persons whatsoever within the territories under the government of the said United Company.

And We do hereby declare, that if We, Our heirs or successors shall think fit to revoke or recall the appointment of the said Bishop of Calcutta or his successors, or of the Archdeacons of Calcutta, or Madras, or Bombay, respectively, for the time being, and shall declare such our pleasure by Letters Patent under our great seal of our United Kingdom, then every such Bishop or Archdeacon shall, from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be directed to the said Bishop or Archdeacons respectively, to all intents and purposes cease to be Bishop of Calcutta or Archdeacon of Calcutta, Madras, or Bombay, as the case may be. And for removing doubts with respect to the validity of resignation of the said office of Bishop or Archdeacon, it is Our further will, that if the said Bishop or any of his successors shall by instrument under his hand and seal delivered to Our Commissioners Delegate aforesaid, and to be by them accepted and registered, or any of the said Archdeacons or their successors by a like instrument delivered to the Bishop of Calcutta for the time being, and by him accepted and registered, resign the office of Bishop of Calcutta or Archdeacon as aforesaid, such Bishop or Archdeacon, shall forthwith cease to be Bishop of Calcutta or Archdeacon as the case may be, to all intents and purposes, but without prejudice to any responsibility to which he may be liable in law or equity in respect of his conduct in his said office. And lastly, to the end that all the things aforesaid may be firmly holden and done, We will and grant to the aforesaid Thomas Fanshaw Middleton, Henry Lloyd Loring, John Mousley, and George Barnes, that they shall have Our Letters Patent under Our great seal of Our United Kingdom duly made and sealed. In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the second day of May, in the fifty-fourth year of Our reign.

By writ of Privy Seal.

(Signed)      BATHURST and BATHURST.

(The Great Seal.)

Power in the Crown  
to revoke or recall  
the appointments.

Power to the Bishop  
and Archdeacons to  
resign their office,  
and in what manner.

## GRANT OF THE ARMORIAL ENSIGNS TO THE SEAL OF THE SEE OF CALCUTTA.

In the name and on the behalf of His Majesty,                    **GEORGE, P. R.**  
**GEORGE** the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. To Our right trusty and right entirely beloved cousin Charles Duke of Norfolk, Earl Marshal, and Our Hereditary Marshal of England, greeting: Whereas We have by Our Letters Patent bearing date the twelfth day of April last, erected, founded, ordained, made and constituted Our province of Calcutta, in the East Indies, into a Bishop's See, to be called from henceforth the Bishoprick of Calcutta, and to the end that Our intentions may be carried into effect; have in confidence of the learning, morals, prudence, &c. of Our well beloved **THOMAS FANSHAW MIDDLETON**, Doctor of Divinity, named and appointed him Bishop of the said See of Calcutta, for and during the term of his natural life, with certain powers attendant on his ecclesiastical dignity, as more particularly are set forth in Our said Letters Patent; and it having been usual from very early times for Bishops to affix to all instruments incident to their episcopal functions, an official seal, composed of the arms of their several Sees, impaled with their respective family arms, We have thought fit to permit and allow the same privilege to Our said See of Calcutta, Know ye, therefore, that We, of Our princely grace and special favour have given and granted, and do by these presents give an<sup>1</sup> grant the armorial ensigns following, to Our said See of Calcutta, that is to say, *per fess indented ermine and gules in chief, two palm branches surmounted by a mitre proper; in base a crozier surmounted by an open book, also proper*: as the same are depicted in the painting hereunto annexed, to be impaled, borne and used by Our said Bishop of Calcutta and his successors, Bishops of Calcutta, on seals, shields or otherwise, according to the ancient usage and laws of arms, provided the said armorial ensigns be first duly exemplified according to the laws of arms, and recorded in the Herald's Office, otherwise this Our licence and permission to be void and of none effect. Our will and pleasure therefore is, that you, Charles Duke of Norfolk, to whom the cognizance of matters of this nature doth properly belong, do require and command that this Our concession and special mark of Our royal favour be registered in Our College of Arms, to the end that Our officers of arms, and all others upon occasion, may take full notice and have knowledge thereof, and for so doing this shall be your warrant. Given at Our Court at Carlton House, this twenty-seventh day of September one thousand eight hundred and fourteen, in the fifty-fourth year of Our reign. By the Command of his Royal Highness the Prince Regent in the name and on the behalf of His Majesty.                    **SIDMOUTH.**

Recorded in the College of Arms, London, pursuant to a warrant from the Most Noble Charles Duke of Norfolk, Earl Marshal and Hereditary Marshal of England; and examined therewith this ninth day of December one thousand eight hundred and fourteen.

**RALPH BIGLAND, Norroy and Register.**

**JAMES CATHROW, Somerset Herald.**

## LETTERS PATENT.

27TH SEPT. A. D. 1817, 57 GEO. 3.

*As to the Archdeaconry of Colombo.*

GEORGE the Third, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come, greeting; Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of Our loving subjects resident within Our territories in the Island of Ceylon in the East Indies; And whereas no sufficient provision has been made for the supply of persons duly ordained to officiate as Ministers of the United Church of England and Ireland, within the said territories, and there is no competent authority for the care and direction of ecclesiastical affairs, and Our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, by reason that there is no Bishop or Archdeacon residing or exercising jurisdiction and canonical functions within the same; For remedy of the aforesaid inconveniences and defects, We have determined to constitute within the aforesaid territories an Archdeaconry subject during Our pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bi-

p of Calcutta for the time being. And We do hereby erect, found and constitute one Archdeaconry in and over the British Territories within the said Island of Ceylon, to be styled the Archdeaconry of Colombo; such Archdeaconry to be subject and subordinate during our pleasure to the jurisdiction of the said Bishop of Calcutta as aforesaid; and to the end that this Our intention may be carried into due effect, We having great confidence in the learning, morals, probity, and prudence of our well beloved Thomas James Twisleton, Clerk, do name and appoint him the said Thomas James Twisleton to be Archdeacon of the Archdeaconry of Colombo, so that the said Thomas James Twisleton shall be and be taken to be the Archdeacon of the said Archdeaconry of Colombo, and may by virtue of this Our nomination and appointment enter into and possess the said office of Archdeacon within the said Archdeaconry; subject nevertheless to the powers of revocation or resignation hereinafter more particularly expressed. And We do hereby signify to Our right trusty and well beloved the Right Reverend Father in God, Thomas Fanshaw, Bishop of Calcutta, that We have nominated the said Thomas James Twisleton to be Archdeacon of Colombo, requiring him the said Thomas Fanshaw, Bishop of Calcutta, to institute the said Thomas James Twisleton to the said Archdeaconry, to which We have appointed him, and to do all things appertaining to his office in this behalf with effect. And for a declaration of Our Royal will, in regard to the duties and functions to be exercised by the said Archdeacon and his successors, We do hereby declare that the said Archdeacon shall within his Archdeaconry be assisting to the Bishop of Calcutta in the exercise of his episcopal jurisdiction and functions, according to the duty of an Archdeacon by the ecclesiastical laws of Our realm of England, and in such

Preamble.

His Majesty then constitutes one Archdeaconry in and over the island of Ceylon, to be styled the Archdeaconry of Colombo, subject during H. M's pleasure to the jurisdiction of the Bishop of Calcutta.

Thomas James Twisleton appointed Archdeacon thereof.

Such appointment signified to the Bishop of Calcutta, who is required to institute, &c.

Declaration as to the duties and functions of the Archdeacon.

manner and subject to the like provisions as the same are and ought to be lawfully performed by the Archdeacons of Calcutta, Madras, and Bombay respectively. And We do further will, ordain and declare, that the said Archdeacon shall within his Archdeaconry be and be taken to be without further appointment the Commissary of the said Bishop and his successors, and shall exercise jurisdiction in all matters aforesaid according to the duty and functions of a Commissary by the said ecclesiastical

That during a vacancy of the Archdeaconry, duties to be performed by some discreet Minister in Priest's orders to be nominated by H. M.'s Governor of Ceylon.

And We do further direct, that during the vacancy of the said Archdeaconry, and until the Bishop shall institute thereto a Clerk duly nominated by Us, Our heirs and successors, or otherwise provide for the performance of the duties thereof, the duties thereof shall be performed by some discreet Minister in Priest's orders of the Church of England, who shall be nominated, as the case may be, for that purpose by Our Governor of the said Island of Ceylon. And moreover, We command and by these presents for Us, Our heirs and successors, strictly enjoin all and singular Our Governors, Judges, and Justices, and all and singular Chaplains, Ministers, and others Our subjects within the territories aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Archdeacon and his successors, in the execution of the premises in all things. And We do further will and direct, that the said Bishop and his successors may from time to time during all such times as the said Archdeacon shall be subject to the jurisdiction of the Bishop of Calcutta, at the time being as aforesaid, appoint a proper and sufficient person in the

Bishop of Calcutta to appoint a Registrar for the Archdeaconry of Colombo.

And in case of no said Archdeaconry to act as Registrar thereof, and in case of no Registrar, &c. may assume an Actuary.

and direct that the said Bishop or the Commissary respectively may appoint any sufficient person as Actuary to do all acts as Registrar.

The Supreme Court in Ceylon to have jurisdiction and power to interfere by writ of prohibition or mandamus, subject to the same legal restrictions, and rules of practice, as is or has been exercised by Our Court of King's Bench at Westminster, in regard to proceedings in

the ecclesiastical Courts in England, regard being had nevertheless to any especial provisions therein, and to any especial provisions or exceptions contained in these Our Letters Patent, and to any other laws and regulations especially applicable to Ceylon.

Nothing contained herein to repeal or alter the character of and We do hereby declare and ordain, that nothing in these presents contained shall extend or be construed to extend to repeal, vary, or alter, far as the same did not appertain to the provisions of Our Charter whereby ecclesiastical jurisdiction in correction of Clerks, causes testamentary and matrimonial was given to the said Court of Judicature, so far as the same does not appertain to the correction of Clerks, or the spiritual superintendence of ecclesiastical persons, or to give to the said Archdeacon or his successors any authority or jurisdiction whatever in matters now cognizable in the said Court, except as herein last before excepted.

The said Archdeacon to be body corporate, and do ordain, make and constitute him to be a perpetual corporation, and to have perpetual succession, and that he and his successors be for ever hereafter called and known by the name of Archdeacon of Colombo, and that he and his successors by the name aforesaid shall be able and capable in the law, and

To be called and known by the name of Archdeacon of Colombo, and capable of holding lands, &c.

have full power to purchase, have, take, hold, and enjoy, such manors, messuages, lands, rents, tenements, annuities, and hereditaments, of what nature and kind soever in fee and in perpetuity, or for term of life or years, as by grant or licence from Our said Governor he or they shall at any time be authorized to take, hold or enjoy, and also all manner of goods, chattels and things personal whatsoever, of what nature or value soever, and that he and his successors by and under the said name may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered, in all manner of Courts, of Us, Our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real and personal, and mixed, as well temporal as spiritual, and in all other things, causes and matters whatsoever. And We do hereby declare, that if We, Our heirs or successors, shall think fit to revoke or recal the appointment of the said Archdeacon of Colombo, for the time being, and shall declare such Our or their pleasure by Letter's Patent under the great seal of the United Kingdom, that every such Archdeacon shall from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be

As by grant or licence of the Governor he may be authorized, and by and under such name to plead, prosecute and defend, &c

His Majesty re-serves the power of revoking or recalling the appointment.

removed from the said Archdeacon, to all intents and purposes cease to be Archdeacon of Colombo. And for removing doubts with respect to the validity of a resignation of the said office of Archdeacon, it is our further will, that if the said Archdeacon or his successors shall by instrument under his hand and seal, delivered to the Bishop of Calcutta for the time being, and by him accepted and registered, resign the office of Archdeacon as aforesaid, such Archdeacon shall forthwith cease to be Archdeacon to all intents and purposes, but without prejudice to any responsibility, to which he may be liable in law or equity in respect of his conduct in his said office. And further, to the end that all things aforesaid may be truly holden and done, We will and grant to the aforesaid Thomas James Twisleton, that he shall have Our Letters Patent under Our great seal of Our United Kingdom duly made and sealed. In witness whereof We have caused these Our Letters to be made Patent. Witness Our selves, at Westminster, the twenty-seventh day of September, in the fifty-seventh year of Our reign.

Resignation of the said office of Archdeacon how to be made.

Letters Patent granted to Thomas James Twisleton.

By writ of Privy Seal,

(Signed)

BATHURST.

(The Great Seal.)

**LETTERS PATENT.****27TH SEPT. A. D. 1817, 57 GEO. 3.***Further declaratory as to the Archdeaconry of Colombo.*

Preamble recites  
Letters Patent of the  
2d May 1511.

GEORGE the Third, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to all to whom these presents shall come greeting, Whereas We did by Letters Patent under the great seal of Our United Kingdom bearing date the second day of May, in the fifty-fourth year of Our reign, erect, found, ordain, make, and constitute certain of the British Territories in the East Indies to be a Bishop's See, and to be called from thenceforth the BISHOPRICK OF CALCUTTA: And whereas We did give and grant to Thomas Fanshaw Middleton, the first Bishop of Calcutta, and to his successors Bishops of Calcutta, full power and authority to perform all the functions peculiar and appropriated to the office of a Bishop within the limits of the said See, but not elsewhere; and also by himself or themselves or by his or their Commissary or Commissaries to exercise jurisdiction spiritual and ecclesiastical, in and throughout the said See and Diocese according to the ecclesiastical laws of Our realm of England, which are lawfully made and received in England in the several causes and matters therein expressed and specified and no other; and We did make a further declaration of Our royal will concerning the special causes and matters in which We would that the aforesaid jurisdiction should be exercised, and did give and grant to the aforesaid Bishop and his successors, certain powers and authorities for the due performance of his and their episcopal functions, subject however to certain limitations and reservations; as on reference to Our said Letters Patent will more fully appear: and for the further accomplishment of Our intention and for aiding the said Bishop of Calcutta according to the laws and customs of the United Church of England and Ireland in the due and canonical superintendence of ecclesiastical persons and affairs, We did also erect, found and constitute one Archdeaconry in and over the Presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other Archdeaconry in and over the Presidency of Fort Saint George on the Coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other Archdeaconry in and over the Presidency and Island of Bombay on the Coast of Malabar to be styled the Archdeaconry of Bombay, all such Archdeaconries to be subject and subordinate to the said Bishop's See of Calcutta, and did in like manner make a declaration of Our royal will in regard to the duties and functions to be exercised by the said Archdeacons and their successors: And whereas We have by Letters Patent under the great seal of Our United Kingdom, erected, founded and constituted one other Archdeaconry at Co-lombo was also erected to be called the Archdeaconry of Co-lombo, in the Island of Ceylon, to be styled the Archdeaconry of Colombo, such Archdeaconry to be also subject during our pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bishop of Calcutta for

That by other Letters Patent one other Archdeaconry at Co-lombo was also erected to be called the Archdeaconry of Co-lombo, in the Island of Ceylon, to be styled the Archdeaconry of Colombo, such Archdeaconry to be also subject during our pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bishop of Calcutta for

the time being : Now know ye, that in order to give full effect to Our royal intention, in respect of the said Archdeaconry of Colombo, and for removing all doubts touching the jurisdiction of the Bishop of Calcutta, and his successors over the said Archdeacon and Archdeaconry, We have given and granted and do by these presents give and grant to the Bishop of Calcutta and his successors, during Our pleasure, all and singular the rights, powers, authorities, functions, and jurisdictions in and over the said Archdeaconry and Archdeacon of Colombo, which he and they may now lawfully exercise within the three Archdeaconries of Calcutta, Madras, and Bombay, except the right or power of collating to the said Archdeaconry of Colombo; subject always to the several limitations, reservations, and provisions, which in Our said Letters Patent of the second day of May, in the fifty-fourth year of Our reign, are fully set forth : and We will that all clauses, matters and things, contained in our said Letters Patent shall be deemed and taken to be applicable to the jurisdiction and functions of the Bishop of Calcutta, in regard to the Archdeaconry of Colombo, and to all appeals by persons who shall conceive themselves aggrieved by any judgment or decree of the said Bishop or his Commissary, and to all proceedings against the said Archdeacon as if the same were herein inserted word for word ; provided only that the copy of the sentence in any such case shall be rectified and transmitted to Our Governor of Ceylon for the time being: and We do hereby will and declare that these Our Letters Patent shall be of force and effect only during Our royal will and pleasure and no longer. In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the twenty-seventh day of September, in the fifty-seventh year of Our reign.

By writ of Privy Seal,

That for giving effect to such Letters Patent, declaration as to the Bishop's jurisdiction over the same Archdeaconry, except the right of collating.

Provided only that in case of any sentence pronounced, the same to be transmittted to His Majesty's Governor of Ceylon

BATHURST.

(The Great Seal.)

## LETTERS PATENT.

27TH MAY, A. D. 1823, 4 GEO. 4.

*Extending the Diocese over all His Majesty's other territories within the limits of the Company's Charter.*

GEORGE the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come, greeting; Whereas his late Majesty Our royal Father, King George the Third, did by Letters Patent under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date the second day of May, in the fifty-fourth year of his reign, erect, found and constitute Our Territories under the Government of the United Company of Merchants of England trading to the East Indies, to be a Bishop's See, and to be called from thenceforth the Bishoprick of Calcutta, and his said late Majesty by the same

Preamble.

Letters Patent, 51  
Geo. 3d.

Letters Patent did give and grant to THOMAS FANSHAW MIDDLETON, the first Bishop of Calcutta, and to his successors, Bishops of Calcutta, full power and authority to perform all the functions peculiar and appropriated to the office of a Bishop within the limits of the said See, but not elsewhere, and also by himself or themselves, or by his or their Commissary or Commissaries, to exercise jurisdiction spiritual and ecclesiastical in and throughout the said See and Diocese according to the ecclesiastical laws of Our realm of England, which are lawfully made and received in England in the several causes and matters therein expressed and specified and no other; and his said late Majesty by the same Letters Patent did make a further declaration concerning the special causes and matters in which he would that the aforesaid jurisdiction be exercised, and did give and grant to the aforesaid Bishop and his successors certain powers and authorities for the said performance of his and their episcopal functions, subject however to certain limitations and reservations, as on reference to the said Letters Patent will more fully appear: And for a further accomplishment of his intention, and for aiding the said Bishop of Calcutta according to the laws and customs of the United Church of England and Ireland, in the due and canonical superintendence of ecclesiastical persons and affairs, his said late Majesty by the said Letters Patent did erect, found and constitute one Archdeaconry in and over the Presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other Archdeaconry in and over the Presidency of Fort Saint George on the coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other Archdeaconry in and over the Presidency and Island of Bombay on the coast of Malabar, to be styled the Archdeaconry of Bombay; all such Archdeaconries to be subject and subordinate to the said Bishop's See of Calcutta. And whereas his said late Majesty did by Letters Patent under the great seal of Our United Kingdom, bearing date the fifteenth day of August, in the fifty-seventh year of his reign, erect, found and constitute one other Archdeaconry within the British territories in the East Indies, that is to say, at Colombo in the Island of Ceylon, to be styled the Archdeaconry of Colombo; such Archdeaconry to be also subject during the royal pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bishop of Calcutta for the time being: And whereas his said late Majesty by other Letters Patent, under the great seal of Our United Kingdom, bearing date the fifteenth day of August in the fifty-seventh year of his reign, in order to give full effect to his royal intention in respect of the said Archdeaconry of Colombo, and for removing all doubts touching the jurisdiction of the Bishop of Calcutta and his successors over the said Archdeacon and Archdeaconry, did give and grant to the Bishop of Calcutta and his successors all and singular the rights, powers, authorities, functions and jurisdictions in and over the said Archdeaconry and Archdeacon of Colombo, which he and they might lawfully exercise in and over the three Archdeaconries of Calcutta, Madras, and Bombay, except the right of collating to the said Archdeaconry of Colombo: And whereas by the demise of the said Thomas Fanshaw Middleton, the late Bishop, the said See or Bishoprick of Calcutta has become and is now vacant, and it is our royal will and pleasure to appoint a

Letters Patent 57  
Geo. 3.  
Colombo.

By demise of  
Bishop Middleton,  
the See vacant.

successor thereto: And whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of Our loving subjects resident in certain other parts of Our territories within the limits of the Charter of the United Company of Merchants of England trading to the East Indies, not heretofore included in the said See and Diocese of Calcutta: And whereas no provision has been made for the supply of persons duly ordained to officiate as Ministers of the United Church of England and Ireland within such parts, and there is no competent authority for the care and direction of ecclesiastical affairs, and Our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, by reason that there is no Bishop residing or exercising jurisdiction and canonical functions in and over the same; for remedy of the aforesaid inconveniences and defects, it has become expedient, and it is Our will and pleasure, that the See and Diocese of the Bishop of Calcutta shall be extended over the whole of Our territories within the limits of the Charter of the said United Company of Merchants of England trading to the East Indies: Now know ye, that in order to give full effect to Our royal will and pleasure of appointing a successor to the said Bishoprick of Calcutta now vacant, and of extending the limits of the said See or Bishoprick as aforesaid, We having great confidence in the learning, morals, probity, and prudence of Our well-beloved Reginald Heber, Doctor in Divinity, do name and appoint him to be Bishop of the said See and Diocese of Calcutta, so that the said Reginald Heber shall be and be taken to be Bishop of the Bishop's See and Diocese of Calcutta, and may by virtue of this Our nomination and appointment enter into and possess the said Bishop's See as the Bishop thereof, without any let or impediment of us, Our heirs, or successors, subject nevertheless to the power of revocation and to the rights of resignation expressed and contained in the said Letters Patent of the second day of May, in the fifty-seventh year of the reign of his late Majesty King George the Third. And We do hereby signify to the Most Reverend Father in God, CHARLES, Lord Archbishop of Canterbury, Primate of all England and Metropolitan, that We have named and preferred the said Reginald Heber to the said Bishoprick of Calcutta, and have appointed him the Bishop and ordinary Pastor thereof, requiring, and by the faith and love whereby he is bound unto us, commanding him to consecrate the aforesaid Reginald Heber, Bishop of Calcutta, in manner accustomed, and diligently to do and perform all other things appertaining to his office in this behalf with effect. We do by these presents also ordain and declare Our royal will and pleasure, that from henceforth the whole of Our territories within the limits of the charter of the United Company of Merchants of England trading to the East Indies, shall form and constitute the See and Diocese of Calcutta. And We have given and granted, and do by these presents give and grant to the said Bishop of Calcutta and his successors, during Our pleasure, the right of appointing any person or persons to be his or their Commissary or Commissaries within any of the territories and parts aforesaid, which Commissary or Commissaries shall or may act in all matters relative to the episcopal jurisdiction and functions of the said Bishop and his

Other parts of H.  
M.'s territories not  
heretofore included

And that no provision  
made

The whole of H.  
M.'s territories within  
the limits of the C.'s  
Charter to form the  
Diocese.

Reginald Heber, DD  
appointed Bishop.

Signification there  
of to the Archbishop,  
and authority to con-  
secrate.

Declaration as to  
the whole of H. M.'s  
territories within the  
limits of the Charter.

Power to the Bishop  
to appoint Commis-  
saries.

successors, according to the duty of a Commissary by the ecclesiastical laws of England. And We have further given and granted, and do by these presents give and grant to the said Bishop of Calcutta and his successors, during Our pleasure, all and singular the rights, powers, authorities, functions and jurisdictions in and over all and every Our territories within the limits of the Charter of the said United Company of Merchants of England trading to the East Indies, which he and they may lawfully exercise in and over the territories under the government of the said United Company by virtue of the said Letters Patent of the second day of May in the fifty-fourth year of the reign of his late Majesty King George the Third, or in and over the territories in the Island of Ceylon by virtue of the said first recited Letters Patent of the fifteenth day of August in the fifty-seventh year of his said late Majesty's reign, and the said last recited Letters Patent of the fifteenth day of August in the fifty-seventh year of his said late Majesty's reign, or either of them, subject always to the several limitations, reservations and provisions which in the same several Letters Patent are fully set forth; and We will that all clauses, matters and things contained in the said several Letters Patent shall, so far as the same are applicable, be applied to the jurisdiction and functions of the Bishop of Calcutta in regard to all and every the territories hereby added to his Diocese, as if the same were herein inserted word for word. In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the twenty-seventh day of May in the fourth year of Our reign.

By writ of Privy Seal.

BATHURST.

(The Great Seal.)

## LETTERS PATENT.

2ND OCT. A. D. 1824, 5 GEO. 4.

*Concerning the Archdeaconry of New South Wales.*

Preamble.

GEORGE the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come, Greeting: Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of Our loving subjects resident within Our colony or settlement of New South Wales and its dependencies, including Van Dieman's Land: And whereas it is expedient to make further provision for the due regulation and order of persons duly ordained to officiate as Ministers of the United Church of England and Ireland within the same colony or settlement, We have determined to constitute within the said colony or settlement an Archdeaconry subject during Our pleasure to the jurisdiction spiritual and ecclesiastical of the Bishop

New South Wales.

of Calcutta for the time being: And We do hereby erect, found and constitute one Archdeaconry in and over the British territories within the said Colony of New South Wales and its dependencies, to be styled the Archdeaconry of New South Wales, and to be subject and subordinate during Our pleasure to the Bishop of Calcutta and his successors as aforesaid, according to the ecclesiastical laws of this realm. And to the end that this Our intention may be carried into due effect, We having full confidence in the piety, learning, morals, probity and prudence of Our well-beloved THOMAS HOBBS SCOTT, Clerk, do name and appoint him the said Thomas Hobbes Scott, to be Archdeacon of the Archdeaconry of New South Wales as aforesaid, so that the said Thomas Hobbes Scott shall be and be taken to be in all things Archdeacon of the said Archdeaconry of New South Wales, and by virtue of this Our nomination alone, enter into and fully and absolutely possess and enjoy the said office of Archdeacon within the said Archdeaconry, subject to the power of revocation and resignation hereinafter more particularly expressed; and We do hereby signify to Our right trusty and well-beloved the Right Reverend Father in God, the Lord Bishop of Calcutta, that We have nominated the said Thomas Hobbes Scott, Clerk, to the Archdeaconry of New South Wales, and to be subject and subordinate during Our pleasure to him and his successors as aforesaid.

One Archdeaconry constituted subject during H. M's. pleasure to the jurisdiction of the Bishop of Calcutta.

And for a declaration of Our royal will and pleasure in regard to the duties and functions to be exercised by the said Archdeacon and his said successors, We do hereby declare that the said Archdeacon shall be assisting to the Bishop of Calcutta in the exercise of his episcopal jurisdiction and functions according to the duty of an Archdeacon by the ecclesiastical laws of Our realm of England, and in as full and ample a manner as the same are or may be lawfully exercised by any Archdeacon within Our realm of England, save as hereinafter excepted.

H. M. Majesty signifies the same to the Lord Bishop of Calcutta.

And We do further will, ordain and declare, that the said Archdeacon shall within his Archdeaconry be and be taken to be without further appointment the Commissary of the said Bishop and his successors, and shall exercise jurisdiction in all matters aforesaid according to the duty and function of a Commissary by the said ecclesiastical laws.

To be also the Commissary of the Bishop.

And We do further direct that during the vacancy of the said Archdeaconry, or until the person who shall be appointed by Us to fill the same shall arrive and take on him the duties of the said office, and certify the same in writing to the Governor of Our said colony or settlement, the said duties shall be performed by some discreet Minister in Priest's orders of the Church of England, who shall be nominated as the case may be for that purpose by Our Governor for the time being of the said colony or settlement of New South Wales as aforesaid. And moreover, We command and by these presents for Us, Our heirs and successors, strictly enjoin all and singular Our Governors, Judges and Justices, and all and singular Chaplains, Ministers and other Our subjects within the territories aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Archdeacon and his successors in the execution of the premises in all things. And We do further will and direct that the said Archdeacon and his successors may and shall from time to time appoint a proper and efficient person in the said Arch-

During a vacancy of the Archdeaconry, by whom duties to be performed.

All Governors, Judges, &c commanded to be aiding the Archdeacon.

Archdeacon may appoint a Registrar.

Rev. Thomas Hobbes Scott, appointed Archdeacon thereof.

deaconry to act as Registrar thereof, and in case of no Registrar being so appointed, or the Registrar being unable to act during any vacancy of the said Archdeaconry, We will and direct that the person officiating as such as above directed may appoint any sufficient Actuary to do all acts and things to the said office of Registrar appertaining.

Supreme Court at New South Wales to have like jurisdiction by writ of prohibition or mandamus as H. M.'s Court of K. B.

Regard being had to any special provisions herein.

And We do further ordain that the Supreme Court of Judicature in New South Wales shall have such and like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions and rules of practice as is or has been exercised by Our Court of King's Bench at Westminster, in regard to proceedings in the ecclesiastical Courts of England; regard being had nevertheless to any special provisions or exceptions contained in these Our Letters Patent, or to any other laws and regulations specially applicable to or concerning Our colony or settlement of New South Wales as aforesaid.

Nothing herein to repeal the Charter whereby ecclesiastical jurisdiction was given to the said Supreme Court except as before excepted

Moreover it is Our royal will, and We do hereby declare and ordain, that nothing herein contained shall extend or be construed to extend to repeal, vary or alter the provisions of Our Charter whereby ecclesiastical jurisdiction was given to the said Court of judicature, so far as the same does not relate to the correction of Clerks or the spiritual superintendence of ecclesiastical persons, or to give to the said Archdeacon or his successors any authority or jurisdiction whatsoever in causes testamentary or matrimonial, and in matters now cognizable

The said Archdeacon to be a body corporate, &c.

To be called and known by the name of Archdeacon of New South Wales, with full power to hold lands, and his successors be for ever hereafter called and known by the name &c. as by grant or licence from the Governor of Archdeacon of New South Wales, and that he and his successors by verno[n] he may be authorized, and by and under such name power to purchase, have, take, hold and enjoy such manors, messuages, and lands, rents, tenements, annuities, and hereditaments, of what nature and defend. &c.

We will and grant by these presents, that the said Archdeacon be a perpetual corporation, and to have perpetual succession, and that he and his successors be for ever hereafter called and known by the name of Archdeacon of New South Wales, and that he and his successors by time be authorised to take, hold or enjoy within Our territories in the said island or settlement, and all and all manners of goods, chattels, and things personal whatsoever, of what nature or value soever, and that he and his successors by and under the said name may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered in all manner of Courts of Us, Our heirs and successors and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real and personal, and mixed, as well temporal as spiritual, and in all other things, causes and matters whatsoever. And

His Majesty reserves the power of revoking or recalling the appointment.

We do hereby declare that, if We, Our heirs or successors, shall think fit to revoke or recall the appointment of the said Archdeacon or his successor for the time being, and shall declare such Our or their pleasure by Letters Patent under the great seal of the United Kingdom, then every such Archdeacon shall from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be directed to the said Archdeacon, to all intents and purposes cease to be Archdeacon as aforesaid.

Resignation of the said office of Archdeacon how to be made.

And for removing doubts with respect to the validity of resignation of the said office of Archdeacon, it is Our further will and

pleasure, that if the said Archdeacon or his successors shall by instrument under his hand and seal, delivered to Us or to the Governor of Our said colony or settlement for the time being, and duly accepted and registered, resign the office of Archdeacon aforesaid, such Archdeacon shall forthwith cease to be Archdeacon to all intents and purposes, but without prejudice to any responsibility to which he may be liable in law or equity in respect of his conduct in his said office. And further, to the end that all the things aforesaid may be firmly holden Letters Patent grant ed. and done, We will and grant to the aforesaid Thomas Hobbes Scott, Clerk, that he shall have Our Letters Patent under Our great seal of Our United Kingdom duly made and sealed. In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the second day of October, in the fifth year of Our reign.

By the King himself.

(Signed)

BATHURST.

(The Great Seal.)

## LETTERS PATENT.

13TH JUNE. A. D. 1835. 5 WILL. 4.

*Dissevering Madras from the See of Calcutta.*

WILLIAM THE FOURTH by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; To all to whom these presents shall come, Greeting: Whereas His late Majesty Our Royal Father, King George the Third, did by Letters Patent under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date the second day of May in the fifty-fourth year of His reign, erect, found and constitute Our territories under the Government of the East India Company to be a Bishop's See, and to be called from thenceforth the Bishoprick of Calcutta, and His said late Majesty by His same Letters Patent did give and grant to Thomas Fanshaw Middleton the first Bishop of Calcutta, and to His successors Bishops of Calcutta, full power and authority to perform all the functions peculiar and appropriated to the office of a Bishop within the limits of the said See, but not elsewhere, and also by himself, or themselves or by His or their Commissary or Commissaries to exercise Jurisdiction spiritual and ecclesiastical in and throughout the said See and Dioceae according to the Ecclesiastical Laws of England in the several causes and matters therein expressed and specified and no other. And his said late Majesty by his same Letters Patent did make a further declaration concerning the special causes and matters in which he would that the aforesaid Jurisdiction be exercised, and did give and grant to the aforesaid Bishop and his successors certain powers and authorities for the performance of his and their episcopal functions, subject however to

Letters Patent 2nd May, 34 Geo III, re-cited.

certain limitations and reservations, as on reference to the said Letters Patent will more fully appear. And for aiding the said Bishop of Calcutta in the due and canonical superintendence of ecclesiastical persons and affairs, His said late Majesty by His said Letters Patent did erect one Archdeaconry in and over the presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other Archdeaconry in and over the presidency of Fort Saint George on the Coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other Archdeaconry in and over the Presidency and Island of Bombay on the Coast of Malabar, to be styled the Archdeaconry of Bombay; all such Archdeaconries to be subject and subordinate to the said Bishop's See of Calcutta, and His said late Majesty did by his said Letters Patent nominate His well-beloved Henry Lloyd Loring, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Calcutta, His well-beloved John Mousley, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Madras, and His well-beloved George Barnes, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Bombay, and His said late Majesty did by His said Letters Patent declare, that each of the said Archdeacons should within his Archdeaconry be assisting to the Bishop of Calcutta in the exercise of such episcopal jurisdiction as His said late Majesty had by His said Letters Patent been pleased to limit to the said Bishop of Calcutta according to the duty of an Archdeacon by the ecclesiastical laws of England, and His said late Majesty did by His said Letters Patent further ordain and declare, that each of the said Archdeacons should within his Archdeaconry be and be taken to be without further appointment the Commissary of the said Bishop of Calcutta, and his successors, and should exercise jurisdiction in all the matters aforesaid according to the duties and functions of a Commissary by the said ecclesiastical laws; and His said late Majesty by His said Letters Patent did grant to the said Bishop of Calcutta, and his successors, the right of collating to the said offices of Archdeacon at all times to come after the death or other avoidance of the said Henry Lloyd Loring, John Mousley and George Barnes, any Priest being one of the Chaplains of the said Company resident in India; and His said late Majesty did by His said Letters Patent further will and direct, that the said Bishop of Calcutta, and his successors, might from time to time appoint a proper and sufficient person in each Archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed or the Registrar being unable to act, His said late Majesty willed and directed that the said Bishop of Calcutta or the Commissaries respectively, might assume any sufficient person as Actuary to do all acts as Registrar; and His said late Majesty did by His said Letters Patent will, that during a vacancy of the said See by the demise of the said Bishop or His successors, or otherwise, the episcopal jurisdiction and function appertaining to the said See should be exercised as far as by law they might by the Archdeacon of Calcutta for the time being, or in case of a vacancy of the said Archdeaconry, then by the Archdeacon of Madras or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the Diocese as might be directed by the Governor General in Council of Fort William, and His said late Majesty did by His said

Letters Patent nominate, constitute and appoint divers officers therein named to be Commissioners Delegate, to hear, decide and determine appeals in manner therein mentioned or referred to; and His said late Majesty did by His said Letters Patent further will, declare and ordain that in case any proceedings should be instituted against any Archdeacon, such proceedings should originate and be carried on before the said Commissioners Delegate, whom His said late Majesty by his said Letters Patent authorized and directed to take cognizance of the same. And whereas His said late Majesty did by other Letters Patent under the great seal of Our said United Kingdom, bearing date the twenty-seventh day of September in the fifty-seventh year of his Reign, erect, found and constitute an Archdeaconry in and over the British territories within the Island of Ceylon in the East Indies, to be styled the Archdeaconry of Colombo, such Archdeaconry to be subject and subordinate during His Royal pleasure to the jurisdiction of the Bishop of Calcutta, and His said late Majesty did by his same Letters Patent declare, that the said Archdeacon should within his Archdeaconry be assisting to the Bishop of Calcutta in the exercise of his episcopal jurisdiction and functions according to the duty of an Archdeacon by the ecclesiastical laws of England, and should be the Commissary of the said Bishop and his successors, and should exercise jurisdiction according to the duty and functions of a Commissary by the said ecclesiastical laws; and his said late Majesty did by his said Letters Patent will and direct, that the said Bishop and his successors might, from time to time, during all such times as the said Archdeaconry should be subject to the jurisdiction of the Bishop of Calcutta, appoint a proper and sufficient person in the said Archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed or the Registrar being unable to act, His said late Majesty willed and directed that the said Bishop or the Commissary respectively, might appoint any sufficient person as Actuary to do all acts as Registrar. And whereas His said late Majesty by other Letters Patent under the great seal of Our United Kingdom, bearing date the twenty-seventh day of September in the fifty-seventh year of his Reign, in order to give full effect to his Royal intention in respect of the Archdeaconry of Colombo, and for removing all doubts touching the jurisdiction of the Bishop of Calcutta and his successors over the said Archdeacon and Archdeaconry, did give and grant to the Bishop of Calcutta and his successors during His Royal pleasure all and singular the rights, powers, authorities, functions and jurisdictions in and over the said Archdeaconry and Archdeacon of Colombo, which he and they might lawfully exercise within the three Archdeaconries of Calcutta, Madras and Bombay, except the right of collating to the said Archdeaconry of Colombo; subject always to the several limitations, reservations and provisions which in the said Letters Patent of the second day of May in the fifty-fourth year of His said late Majesty's Reign were fully set forth; and His said late Majesty willed that all clauses, matters and things contained in his said last mentioned Letters Patent should be deemed applicable to the jurisdiction and functions of the Bishop of Calcutta in regard to the Archdeaconry of Colombo, and to all appeals by persons who should conceive themselves aggrieved by any judg-

Letters Patent, 27th  
September, 57 Geo.  
III. Colombo. recited.

Letters Patent, 27th  
September, 57 Geo.  
III. Colombo. recited.

ment or decree of the said Bishop or his Commissary, and to all proceedings against the said Archdeacon as if the same were therein inserted word for word, provided only that the copy of the sentence in any such case should be certified and transmitted to the Governor of Ceylon for the time being. And whereas the Venerable Thomas Robinson,

The Venerable Thomas Robinson, M. A. present Archdeacon of Madras. Master of Arts, is the present Archdeacon of the said Archdeaconry of Madras. And whereas the Venerable James Sutherland Moncrief Glenie, the present Archdeacon of Colombo. And whereas His late Majesty Our Royal Brother, King George the Fourth, did by Letters Patent under the great seal of Our said United Kingdom of Britain and Ireland, bearing date the twenty-seventh day of May in the fourth year of his Reign, ordain and declare his Royal will and pleasure, that from thenceforth the whole of Our territories within the limits of the Charter of the said East India Company, should

Letters Patent, 27th May, 4 Geo. IV.

Whole Territories.

Letters Patent, 16th April, 5 Will. IV. Daniel Wilson, D. D. Bishop of Calcutta.

Our Letters Patent under the great seal of our said United Kingdom, bearing date the sixteenth day of April in the third year of Our Reign, We appointed Our well-beloved Daniel Wilson, Doctor in Divinity, to be Bishop of the said Bishoprick of Calcutta, which was

Bishoprick of Calcutta of too great an extent. And whereas the present Diocese of the Bishoprick of Calcutta is of too great an extent for the Incumbent thereof to perform officially all the duties of the office without endangering his health and life, and it is therefore expedient to assign new limits to the said Diocese by dissevering therefrom the territories hereinafter-mentioned, and to found a separate and distinct Bishoprick, but nevertheless the Bishop thereof to be subordinate and subject to the Bishop

then vacant. And whereas the present Diocese of the Bishoprick of Calcutta is of too great an extent for the Incumbent thereof to perform officially all the duties of the office without endangering his health and life, and it is therefore expedient to assign new limits to the said Diocese by dissevering therefrom the territories hereinafter-mentioned, and to found a separate and distinct Bishoprick, but nevertheless the Bishop thereof to be subordinate and subject to the Bishop

Letters Patent then ordain that from and after the 10th October, 1838, Madras, Colombo, &c. to be dissevered.

Letters Patent then ordain that from and after the 10th day of October next, the territories now

within the limits of the presidency of Madras, and also the territories within Our Island of Ceylon, and also Our Colonies of New South Wales and Van Diemen's Land and their respective dependencies, shall be dissevered from and cease to be parts of the said Diocese and See of Calcutta. And we do by these presents revoke

And revoke all rights, &c. of the Bishop of Calcutta over Madras, Colombo, &c. except, &c. all and singular the rights, powers, authorities, functions and jurisdictions of the said Bishop of Calcutta and his successors in and over the territories within the said presidency of Madras, and also the territories within Our Island of Ceylon, and Our said Colonies of New South Wales and Van Dieman's Land and their respective dependencies, except only such rights, powers, authorities, functions and jurisdictions as shall be hereinafter limited or confirmed. And to the end that the said intention may be the better carried into effect, We do hereby will, declare and ordain, that the said Thomas

Archdeacon of Madras to cease to be assisting the Bishop of Calcutta.

Robinson and his successors, Archdeacons of the said Archdeaconry of Madras, shall from and after the said tenth day of October next, cease to be assisting to the said Bishop of Calcutta and his successors, in the exercise of the ordinary episcopal jurisdiction by his said late Majesty King George the Third, limited by his said first men-

And cease to be Commissary. tioned Letters Patent to the said Bishop of Calcutta, and cease to be the Commissary of the said Bishop of Calcutta and his successors.

And it is Our further will, and We do hereby further declare, that the power, right and authority to the said Bishop of Calcutta and his successors given and granted by the same Letters Patent to Collate to the office of Archdeacon of Madras any Chaplain of the East India Company resident in India, shall, from and after the said tenth day of October next, cease and be revoked, and We do hereby revoke the said power, right and authority accordingly. And it is Our further will, and We do hereby further declare, that the power, right and authority to the said Bishop of Calcutta and his successors given and granted by the same Letters Patent to appoint a Registrar of the said Archdeaconry of Madras, and to assume an Actuary to act as Registrar thereof, shall, from and after the said tenth day of October next, cease and be revoked, and We do hereby revoke the said power, right and authority accordingly. And We do hereby further will, declare and ordain, that the said James Sutherland Montercif Glenie and his successors, Archdeacons of Colombo, shall, from and after the said tenth day of October next, cease to be assisting to the said Bishop of Calcutta and his successors in the exercise of his Episcopal jurisdiction and functions by the said Letters Patent of His said late Majesty King George the Third, bearing date the twenty-seventh day of September in the fifty-seventh year of His reign, limited as well expressly as by reference to the said Bishop of Calcutta, and cease to be the Commissary of the said Bishop of Calcutta and his successors. And it is Our further will and We do hereby further declare, that the power, right and authority to the said Bishop of Calcutta and his successors, given and granted by the said Letters Patent of His said late Majesty King George the Third, bearing date the twenty-seventh day of September in the fifty-seventh year of his reign, to appoint a Registrar of the said Archdeaconry of Colombo, and to assume an Actuary to act as Registrar thereof, shall, from and after the said tenth day of October next, cease and be revoked, and We do hereby revoke the said power, right and authority accordingly. Provided that nothing herein contained shall extend to affect any matter or cause now pending, or which, before the said tenth day of October next, may be pending in the Court of the Bishop of Calcutta, or in the Court of any of his Archdeacons or Commissaries, and that every judgment or decree of the said Bishop or his Archdeacons or Commissaries already made, or hereafter to be made, in any matter or cause now pending, or which shall be so pending as aforesaid, shall have such and the like force and effect in all respects as if these Our Letters Patent had not been made. And it is Our further will, and We do hereby declare and ordain, that the said provision contained in the said Letters Patent bearing date the second day of May in the fifty-fourth year of the reign of His said late Majesty King George the Third, for temporarily supplying a vacancy of the said See of Calcutta, shall, from and after the said tenth day of October next, cease and be revoked, and We do hereby revoke the same provision accordingly. And whereas it is Our intention by Letters Patent under the great seal of Our said United Kingdom, bearing even date with these presents to erect, found and constitute Our territories in the East Indies, within the limits of the Presidency of Madras, and also

Power of Bishop of Calcutta to collate to the office of Archdeacon of Madras to cease.

Power of the Bishop of Calcutta to appoint a Registrar at Madras to cease.

Archdeacon of Colombo, to cease to be assisting the Bishop of Calcutta.

And cease to be Commissary  
Power of the Bishop of Calcutta to appoint a Registrar at Colombo to cease.

Provided nothing to extend to affect any matter or cause pending in the Court of the Bishop of Calcutta, or in the Court of Archdeacon or Commissary.

Provision of the Letters Patent of the 54 Geo. III, as to vacancy of the See of Calcutta to cease.

Letters Patent, 13th June, 5 Will. IV.  
Intention to erect &c. Madras and Ceylon to be a Bishop's See, to be called the Bishoprick of Madras.

Our territories within the said Island of Ceylon to be a Bishop's See, and to be called from henceforth the Bishoprick of Madras, and to name and appoint Our well-beloved Daniel Corrie, Doctor of Laws, now Archdeacon of Calcutta, to be Bishop of the said See of Madras, and to grant to such Bishop of Madras and his successors such or the like ecclesiastical jurisdiction, and the exercise of such or the like Episcopal functions within the said See of Madras, as were heretofore enjoyed and exercised by the said Bishop of Calcutta, within the limits of the said Presidency of Madras, and within Our territories in the said Island of Ceylon.

Ordained that the Bishop of Calcutta shall be Metropolitan Bishop in India.

Subject to the Arch-bishop of Canterbury, &c

and taken to be the Metropolitain Bishop in India, and shall have and enjoy and exercise such Ecclesiastical jurisdiction as herein-after is mentioned, (subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being, in the same manner as the said Bishop of Calcutta was subject and subordinate to the Archiepiscopal See of the Province of Canterbury in the exercise of all Ecclesiastical jurisdiction and powers which, previously to these our Letters Patent, were vested in the said Bishop.) And We will and ordain, that the said Bishop of Madras shall be a Suffragan to the said Bishop of Calcutta and his successors,

Bishop of Madras to be Suffragan to the Bishop of Calcutta.

Metropolitain power to the Bishop of Calcutta within the See of Madras over the Bishop of Madras and the Archdeacons and Clergy of Madras and Colombo.

To visit once in five years.

To inhibit during such Visitation, &c.

And to exercise jurisdiction &c. in the same manner as Bishop of Madras, if not inhibited.

Appeal given to the Bishop of Calcutta from sentences of Bishop of Madras.

And to exercise jurisdiction &c. in the same manner as Bishop of Madras, if not inhibited.

And We do further ordain and declare, that if any person against whom a judgment or decree shall be pronounced by the said Bishop of Madras or his successors, or his or their Commissary or Commissaries, shall conceive himself to be aggrieved by such sentence, it shall be lawful for such person to appeal to the

said Bishop of Calcutta or his successors, provided such appeal be entered To be entered in fifteen days.  
within fifteen days after such sentence shall have been pronounced, and We do give and grant to the said Bishop of Calcutta and his successors, full power and authority finally to decide and determine the said appeals in as ample a manner as any of the Archbishops of England can or may hear and determine Appeals from the Courts of the Bishops within his province; and We do hereby authorise and empower the said Bishop of Calcutta and his successors, and his and their Commissary or Commissaries, to administer, in his and their Metropolitical and Visitatorial and appellate jurisdiction over the said See of Madras, all such oaths as the said Bishop of Calcutta and his predecessors have been accustomed lawfully to administer in his and their ordinary jurisdiction. Nevertheless We do will and by these presents declare and ordain, that in the exercise of the Metropolitical, Visitatorial and Appellate jurisdiction aforesaid hereby limited and given to the said Bishop of Calcutta and his successors, all grave matters of correction which are accustomed according to the practice of the Ecclesiastical laws of England to be judicially examined, shall in like manner be judicially examined and proceeded in before the said Bishop of Calcutta and his successors, or his or their Commissary or Commissaries, and all such causes shall be proceeded in to final sentence in due form of law To proceed in due from of Law.  
And We do further will and ordain, that in case any proceedings shall be instituted against any Bishop of Madras, such proceedings shall originate, &c. before the Bishop of Calcutta.  
We hereby authorize and direct to take cognizance of the same. And We further will, that during a vacancy of the said See of Calcutta by the demise of the Bishop thereof for the time being or otherwise, the Episcopal jurisdiction and functions appertaining to the said See shall be exercised by the Bishop of Madras for the time being, and in case of a vacancy of the said See of Madras, then the same jurisdiction and functions shall be exercised as far as by law they may, by the Archdeacon of Calcutta for the time being; or in case of a vacancy of the said Archdeaconry, then by the Archdeacon of Madras or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the Diocese of Calcutta, as may be directed by the Governor General of India in Council. And We further will, that during a vacancy of the said See of Madras by the demise of the Bishop thereof for the time being or otherwise, the Episcopal jurisdiction and functions appertaining to such See shall be exercised by the Bishop of Calcutta for the time being, and in case of a vacancy of the said See of Calcutta, then the same jurisdiction and functions shall be exercised as far as by law they may by the Archdeacon of the Archdeaconry of Madras for the time being, or in case of a vacancy of such Archdeaconry, then by two Clergymen of the Church of England resident within the Diocese, as may be directed by the Governor General of India in Council. And We do further will and ordain, that a copy of every sentence of deprivation, suspension or other Ecclesiastical punishment or censure whatsoever promulgated or given or affirmed by the said Bishop of Calcutta or his successors in the exercise of his or their Metropolitical, Visitatorial, or Appellate jurisdiction shall be certified and transmitted to the same persons, and in the

In case of vacancy  
the See of Madras.

Power of Bishop of  
Calcutta to decide  
such appeals.

To administer oaths.

Proceedings against  
Bishop of Madras to  
originate, &c. before  
the Bishop of Calcutta.

Provision for sup-  
plying a vacancy  
of the See of Calcutta

Copy of every sen-  
tence &c. how to be  
certified and trans-  
mitted.

Supreme Court to interfere by prohibition &c. subject, &c.

same manner as copies of sentence promulgated or given by the said Bishop of Calcutta or his successors, in the exercise of his or their ordinary jurisdiction, ought to be certified and transmitted; and We further ordain that the Supreme Court of Judicature at Calcutta, Madras, or Bombay, or in Ceylon, (as the case may be,) shall have such and the like jurisdiction and power of interfering by writ of prohibition or mandamus in regard to all proceedings to be had or instituted, or which might be had or instituted in pursuance of these presents, subject to the same laws, restrictions and rules of practice as is or has been exercised by our Court of King's Bench at Westminster in regard to proceedings in the Ecclesiastical Court in England, regard being had nevertheless to any special provisions or exceptions contained in these Our Letters Patent, and to any other laws and regulations specially applicable to or concerning Our territories in the East Indies or the See and Diocese of Calcutta. Moreover it is Our

Nothing to alter Charters of Justice, &c.

Royal will, and We do hereby declare and ordain, that nothing in these presents contained shall extend or be construed to extend to repeal, vary or alter the provisions of the several Charters whereby Ecclesiastical jurisdiction has been given to the said Court of Judicature,

So far as the same does not extend to the spiritual correction and superintendence of Clerks, &c. respectively, so far as the same does not appertain to the correction of Clerks or the spiritual superintendence of Ecclesiastical persons, or to give to the snid Bishop of Calcutta or his successors, any authority or jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted. And, moreover, We command and enjoin the Court of Directors of the East India Company and their Governors, Officers and Servants, and our Governor of Ceylon,

Court of Directors, &c. enjoined, &c.

and all and singular our Governors, Judges and Justices, and all and singular Chaplains, Ministers and others Our subjects within the parts aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop of Calcutta and his successors, in the execution of the premises in all things. In witness whereof, We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster the thirteenth day of June in the fifth year of Our reign.

By writ of Privy Seal.

• (Great Seal.)

EDWARDS.

## LETTERS PATENT.

13TH JUNE A. D. 1835, 5 WILL. 4.

*Bishoprick of Madras.*

WILLIAM THE FOURTH by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To all to whom these presents shall come, Greeting; Whereas His late Majesty Our Royal Father, King George the Third, did by Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date the second day of May in the fifty-fourth year of His reign, erect, found and constitute Our territories under the Government of the East India Company to be a Bishop's See, and to be called from thenceforth the Bishoprick of Calcutta, and His said late Majesty by his same Letters Patent did give and grant to Thomas Fanshaw Middleton, the first Bishop of Calcutta, and to his successors, Bishops of Calcutta, full power and authority to perform all the functions peculiar and appropriated to the office of a Bishop within the limits of the said See, but not elsewhere, and also by himself, or themselves, or by his or their Commissary or Commissaries, to exercise jurisdiction, spiritual and ecclesiastical, in and throughout the said See and Diocese according to the Ecclesiastical laws of England in the several causes and matters therein expressed and specified and no other. And His said late Majesty by his same Letters Patent did make a further declaration Madras. concerning the special causes and matters in which he would that the aforesaid jurisdiction be exercised, and did give and grant to the aforesaid Bishop and his successors certain powers and authorities for the performance of his and their Episcopal functions, subject however to certain limitations and reservations, as on reference to the said Letters Patent will more fully appear: and for aiding the said Bishop of Calcutta in the due and canonical superintendence of Ecclesiastical persons and affairs, His said late Majesty by his said Letters Patent did erect one Archdeaconry in and over the Presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other Archdeaconry in and over the Presidency of Fort Saint George on the Coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other Archdeaconry in and over the Presidency and Island of Bombay on the Coast of Malabar, to be styled the Archdeaconry of Bombay; all such Archdeaconries to be subject and subordinate to the said Bishop's See of Calcutta; and His said late Majesty did by his said Letters Patent nominate his well-beloved Henry Lloyd Loring, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Calcutta, his well-beloved John Mousley, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Madras, and his well-beloved George Barnes, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Bombay; and His said late Majesty did by his said Letters Patent declare, that each of the said Archdeacons should within his Archdeaconry be assisting to the Bishop of Calcutta, in the exercise of such Episcopal jurisdiction as His said late Majesty had by his

Letters Patent, 2nd  
May, 54. Geo. III.  
recited.

Madras.

said Letters Patent been pleased to limit to the said Bishop of Calcutta, according to the duty of an Archdeacon, by the Ecclesiastical laws of England; and His said late Majesty did by his said Letters Patent further ordain and declare, that each of the said Archdeacons should within his Archdeaconry be and be taken to be without further appointment the Commissary of the said Bishop of Calcutta, and his successors, and should exercise jurisdiction in all the matters aforesaid, according to the duties and functions of a Commissary by the said Ecclesiastical laws; and His said late Majesty by his said Letters Patent did grant to the said Bishop of Calcutta and his successors, the right of collating to the said offices of Archdeacon, in all times to come after the death or other avoidance of the said Henry Lloyd Loring, John Mousley and George Barnes, any Priest being one of the Chaplains of the said Company resident in India; and His said late Majesty did by his said Letters Patent further will and direct, that the said Bishop of Calcutta and his successors, might from time to time appoint a proper and sufficient person in each Archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed, or the Registrar being unable to act, his said late Majesty willed and directed, that the said Bishop of Calcutta or the Commissioners respectively might assume any sufficient person as Actuary to do all acts as Registrar; and his said late Majesty did by his said Letters Patent nominate, constitute and appoint divers officers therein named to be Commissioners Delegate to hear, decide, and determine appeals in manner therein mentioned or referred to; and His said late Majesty did by his said Letters Patent further will, declare and ordain, that in case any proceedings should be instituted against any Archdeacon, such proceedings should originate and be carried on before the said Commissioners Delegate, whom His said late Majesty by his said Letters Patent authorized and directed to take cognizance of the same. And whereas His said late Majesty did by other Letters Patent under the Great Seal of Our said United Kingdom, bearing date the twenty-seventh day of September, in the fifty-seventh year of his reign, erect, found and constitute an Archdeaconry in and over the British territories within the Island of Ceylon in the East Indies, to be styled the Archdeaconry of Colombo, such Archdeaconry to be subject and subordinate during his Royal pleasure to the jurisdiction of the Bishop of Calcutta; and His said late Majesty did by his same Letters Patent declare, that the said Archdeacon should within his Archdeaconry be assisting to the Bishop of Calcutta, in the exercise of his Episcopal jurisdiction and functions according to the duty of an Archdeacon by the Ecclesiastical laws of England, and should be the Commissary of the said Bishop and his successors, and should exercise jurisdiction according to the duty and functions of a Commissary by the said ecclesiastical laws; and His said late Majesty did by his said Letters Patent, will and direct that the said Bishop and his successors, might from time to time during all such times as the said Archdeaconry should be subject to the jurisdiction of the Bishop of Calcutta, appoint a proper and sufficient person in the said Archdeaconry to act as Registrar therof, and in case of no Registrar being so appointed, or the Registrar being unable to act, His said late Majesty willed and directed that the said

Letters Patent, 27th September, 57 Geo. III. Colombo, recited.

Bishop or the Commissary, respectively, might appoint any sufficient person as Actuary to do all acts as Registrar, and whereas His said late Majesty by other Letters Patent under the Great Seal of Our United Kingdom, bearing date the twenty-seventh day of September, in the fifty-seventh year of his Reign, in order to give full effect to his royal intention in respect of the said Archdeaconry of Colombo, and for removing all doubts touching the jurisdiction of the Bishop of Calcutta and his successors over the said Archdeacon and Archdeaconry, did give and grant to the Bishop of Calcutta and his successors, during his royal pleasure, all and singular the rights, powers, authorities, functions and jurisdictions in and over the said Archdeaconry and Archdeacon of Colombo, which he and they might lawfully exercise within the three Archdeaconries of Calcutta, Madras, and Bombay, except the right of collating to the said Archdeaconry of Colombo; subject always to the several limitations, reservations and provisions which in the said Letters Patent of the second day of May, in the fifty-fourth year of His said late Majesty's reign were fully set forth; and His said late Majesty willed that all clauses, matters and things contained in the said last mentioned Letters Patent, should be deemed to be applicable to the jurisdiction and functions of the Bishop of Calcutta, in regard to the Archdeaconry of Colombo, and to all appeals by persons who should conceive themselves aggrieved by any judgment or decree of the said Bishop or his Commissary, and to all proceedings against the said Archdeacon, as if the same were therein inserted word for word, provided only that the copy of the sentence in any such case should be certified and transmitted to the Governor of Ceylon for the time being. And whereas the Venerable Thomas Robinson, Master of Arts, is the present Archdeacon of the said Archdeaconry of Madras; and whereas Frederick Orme, Esquire, is the present Registrar of the said Archdeaconry of Madras; and whereas the Venerable James Sutherland Moncrief Glenie, is the present Archdeacon of the said Archdeaconry of Colombo; and whereas J. J. Staples, Esquire, is the present Registrar of the said Archdeaconry of Colombo; and whereas by Our Letters Patent under the Great Seal of Our said United Kingdom bearing even date with these presents, in consideration that the then present Diocese of the Bishoprick of Calcutta was of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and that it was therefore expedient to assign new limits to the said Diocese, by dis severing therefrom the territories thereafter and hereinafter mentioned, and to found a separate and distinct Bishoprick, We have by Our said Letters Patent ordained and declared Our royal will and pleasure, that from and after the tenth day of October next, the territories within the limits of the Presidency of Madras, and also the territories within Our Island of Ceylon, and also Our Colonies of New South Wales and Van Diemen's Land, and their respective dependencies, should be dis severed from and cease to be parts of the said Diocese and See of Calcutta; and by the said Letters Patent We have revoked all and singular the rights, powers, authorities, functions and jurisdictions of the said Bishop of Calcutta, and his successors, in and over the territories within the said Presidency of

Letters Patent, 27th  
September, F7 GCO  
III, Colombo, rec'd.

The Venerable Thomas Robinson, M. A  
present Archdeacon of Madras.

Frederick Orme, pre-  
sent Registrar of Ma-  
dras.

The Venerable James Sutherland Moncrief  
Glenie, present Arch-  
deacon of Colombo,  
J. J. Staples present  
Registrar of Colombo.  
Letters Patent, san. ♦  
date, rec'd.

Madras, and also the territories within Our said Island of Ceylon, and Our said Colonies of New South Wales and Van Diemen's Land, and their respective dependencies, except only such rights, powers authorities, functions, and jurisdictions as are hereinafter limited or confirmed, and hereinafter mentioned; and by Our said Letters Patent, We have willed, declared, and ordained that the said Thomas Robinson, and his successors, Archdeacons of the said Archdeaconry of Madras, should, from and after the tenth day of October next, cease to be assisting to the said Bishop of Calcutta and his successors, in the exercise of the ordinary Episcopal jurisdiction by His said late Majesty King George the Third, limited by his said first-mentioned Letters Patent to the said Bishop of Calcutta and cease to be the Commissary of the said Bishop of Calcutta, and his successors; and by Our said Letters Patent, We have revoked the power, right, and authority of the said Bishop of Calcutta, and his successors, to collate to the said office of Archdeacon of Madras; and by Our said Letters Patent We have revoked the power, right, and authority of the said Bishop of Calcutta and his successors to appoint a Registrar of the said Archdeaconry of Madras, and to assume an Actuary to act as Registrar thereof; and by Our said Letters Patent, We thereby further willed and ordained, that the said James Sutherland Monterief Glenie and his successors, Archdeacons of Colombo, should, from and after the said tenth day of October next, cease to be assisting to the said Bishop of Calcutta and his successors, in the exercise of his Episcopal jurisdiction and functions, and cease to be the Commissary of the said Bishop of Calcutta and his successors; and We did thereby revoke the power, right, and authority to the said Bishop of Calcutta and his successors, to appoint a Registrar of the said Archdeaconry of Colombo, and to assume an Actuary to act as Registrar thereof. And whereas in consideration of Our intention to erect Our territories in the East Indies, within the limits of the Presidency of Madras, and also Our territories within the Island of Ceylon, to be a Bishop's See, to be styled the Bishoprick of Madras, and to grant to the Bishop of the said See of Madras and his successors, such jurisdiction as hereafter mentioned, We have by Our said Letters Patent of even date herewith further ordained, that the said Bishop of Calcutta, for the time being, shall be, and be deemed, and taken to be the Metropolitan Bishop in India, and shall have and exercise such Ecclesiastical jurisdiction as in Our said Letters Patent is mentioned, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being, in the same manner as the said Bishop of Calcutta was subject and subordinate to the Archiepiscopal See of the Province of Canterbury, in the exercise of all Ecclesiastical jurisdiction and powers which previously to Our said Letters Patent were vested in the said Bishop; and We have further by Our said Letters Patent granted unto the said Bishop of Calcutta and his successors, full power and authority to perform all functions peculiar and appropriated to the office of Metropolitan, and exercise Metropolitical jurisdiction over the Bishop of Madras and his successors, and the Archdeacons of Madras and Colombo, and all other Chaplains, Ministers, Priests, and Deacons in Holy Orders of the United Church of England and Ireland.

within the limits of the said Diocese of Madras, and also full power and authority to visit once in every five years, or oftener if occasion shall require, as well the said Bishop of Madras and his successors, as all Ministers and Chaplains and all Priests and Deacons in Holy Orders of the United Church of England and Ireland resident in the said Diocese of Madras, for correcting and supplying the defects of the Bishop of Madras and his successors, with all and all manner of visitatorial jurisdiction, power, and coercion, and We have thereby authorized and empowered the said Bishop of Calcutta and his successors, to inhibit, during any such visitation of the said Diocese of Madras, the exercise of all or of such part or parts of the ordinary jurisdiction of the said Bishop of Madras or his successors, as to him the said Bishop of Calcutta or his successors shall seem expedient, with such other powers as by reference to Our said Letters Patent will more fully appear; and We have also ordained that if any person against whom a judgment or decree shall be pronounced by the said Bishop of Madras or his successors, or his or their Commissary or Commissaries, shall conceive himself to be aggrieved by such sentence, it shall be lawful for such person to appeal to the said Bishop of Calcutta or his successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced, and We have thereby given and granted to the said Bishop of Calcutta and his successors full power and authority finally to decide and determine such appeals in manner in Our said Letters Patent mentioned; and We have thereby also ordained that, in case any proceedings shall be instituted against any Bishop of Madras, such proceedings shall originate and be carried on before the said Bishop of Calcutta, whom We have thereby authorized and directed to take cognizance of the same. Now know ye that, to the end that Our intention may be further carried into effect, We do by these presents ordain and declare Our Royal will and pleasure to be, that, from and after the said tenth day of October next, Our territories within the limits of the Presidency of Madras and Our territories within the Island of Ceylon, shall be erected into a Bishop's See, and We do by these presents erect, found, ordain, make, and constitute Our territories in the East Indies within the limits of the Presidency of Madras, and Our territories within the Island of Ceylon, to be a Bishop's See accordingly, and to be called from thenceforth the Bishoprick of Madras, and to the end that this Our intention may be carried into due effect, We having great confidence in the learning, morals, and probity of Our well-beloved Daniel Corrie, Doctor of Laws, now Archdeacon of Calcutta, do name and appoint him to be Bishop of the said See of Madras, so that the said Daniel Corrie shall be taken to be Bishop of the Bishop's See of Madras, and may by virtue of this Our nomination and appointment, enter into and possess the said Bishop's See as the Bishop thereof, without any let or impediment of Us, Our heirs or successors, subject nevertheless to the power of revocation and to the right of resignation hereinafter more particularly expressed. Moreover, We will and ordain by these presents that the Bishop of the said See of Madras and his successors shall be subject and subordinate to the See of Calcutta, and to the right Reverend Father in God, Daniel, Bishop of Calcutta and his successors, in the

After the 10th Octo-  
ber 1835 term  
in Madras and Ceylon  
to be a Bishop's See  
to be called the Bi-  
shoprick of Mad

Daniel Corrie, L.L.D.,  
appointed Bishop of  
Madras.

Subject to revocation  
&c

Bishop of Madras to  
be subject &c to the  
See and Bishop of  
Calcutta,

same manner as any Bishop of any See within the province of Canterbury in Our Kingdom of England is under the authority of the Archiepiscopal See of the province of Canterbury and the Archbishop thereof. And We do hereby further will and ordain, that every Bishop of Madras shall, at the time of his consecration take an oath of due obedience to his Metropolitan in the words or to the effect following:—

“I \_\_\_\_\_, appointed Bishop of the Church and See of Madras, do profess and promise all due reverence and obedience to the Metropolitan Bishop of Calcutta and to his successors. So help me God, through Jesus Christ;” which oath shall and may be administered by the said Archbishop or Bishops administering at such consecration or any of them: and to the end that all the matters and things herein

Oath to be taken by the Bishop of Madras. prescribed may have their due effect, We do hereby signify to the most Reverend Father in God, William, Lord Archbishop of Canterbury,

Primate of all England and Metropolitan, and to the right Reverend Father in God, Daniel, Lord Bishop of Calcutta, that We have erected and founded the aforesaid Episcopal See of Madras, and have named and preferred Our well-beloved Daniel Corrie, Clerk, now Archdeacon of Calcutta, Doctor of Laws, to the said Bishoprick, and have appointed him the Bishop and Ordinary Pastor thereof, requiring, and by the faith and love whereby he is bound unto us commanding the said

Signification to the Archbishop, &c. Permission to consecrate. William, Lord Archbishop of Canterbury forthwith to consecrate the aforesaid Daniel Corrie, Bishop of Madras, in manner accustomed, and diligently to do and perform all other things appertaining to his office in this behalf with effect; and to prevent inconvenience arising from the distance of the said See of Madras from England, We declare Our will and pleasure that for the purpose only of such consecration, and to remove all doubts concerning the same, the said See of Madras and the office of Bishop thereof shall be considered to be created from the date of these Our Letters Patent, any

Bishop of Madras to thing to the contrary thereof notwithstanding. And We do by these original and common &c.

presents give and grant to the said Daniel Corrie and his successors, Bishops of Madras, full power and authority to admit into the Holy Orders of Deacon and Priest respectively, any person whom he shall upon examination deem duly qualified, especially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity, within the limits of the said Diocese of Madras, and residing therein. And We do by these presents will and ordain, that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person being deposited in the hands of such Bishop, shall be held to be a sufficient title with a view to such Ordination, and that in every such case it shall be distinctly stated in the Letters of Ordination of every person so admitted to Holy Orders that he has been ordained for the cure of souls within the limits of the said Diocese of Madras only, and that, unless such person shall be a British subject of or belonging to our United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make. And We do hereby further give and grant to the said Daniel Corrie and his successors, Bishops of Madras, full power and authority to confirm those that are baptized and come to years of discretion, and

to perform all other functions peculiar and appropriated to the office of Bishop within the limits of the said See of Madras, but not elsewhere, such Bishop and his successors having been first duly ordained or consecrated Bishops according to the form prescribed by the Liturgy of the Church of England; and also by himself and themselves, or by his or their Commissary or Commissaries, to exercise jurisdiction spiritual and ecclesiastical in and throughout the said See and Diocese of Madras, according to the Ecclesiastical laws of England, which are lawfully made and received in England, in the several causes and matters hereinafter in these presents expressed and specified and no other. And for a declaration of Our royal will concerning the special Declaration causes and matters in which We will that the aforesaid jurisdiction shall be exercised, We have further given and granted, and do by these presents give and grant to the aforesaid Bishop of Madras and his successors, full power and authority by himself or themselves, or by his or their Commissary or Commissaries, by him or them to be thereunto especially authorized, to grant licences to officiate <sup>To grant licens.</sup> to all Ministers and Chaplains of all the Churches or Chapels, or other places, within the said Diocese of Madras, wherem divine service shall be celebrated according to the rites and liturgy <sup>of the Church</sup> at England, and to visit all such Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland, resident in their said Diocese of Madras, with all and all manner of jurisdiction, power, and coercion Ecclesiastical that may be requisite in the premises, as also to call before him or them, or before his or their Commissary or Commissaries, at such competent days, hours, and places whatsoever, when and so often as to him or them shall seem meet and convenient, the aforesaid Ministers and Chaplains, Priests or Deacons in Holy Orders of the United Church of England and Ireland, or any of them, and to enquire by witnesses to be sworn in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done, as well concerning their morals as their behaviour in their said offices and stations respectively. And We do hereby authorize and empower To administer oaths.  
the said Bishop of Madras and his successors, and his and their Commissary and Commissaries, to administer all such oaths as are accustomed and by law may be administered according to the Ecclesiastical laws of Our realm of England, and to punish and correct the <sup>To punish and correct.</sup> aforesaid Chaplains, Ministers, Priests and Deacons in Holy Orders <sup>etc.</sup> of the United Church of England and Ireland, according to their demerits, whether by deprivation, suspension, or other such Ecclesiastical censure or correction as they would be liable to according to the Ecclesiastical laws aforesaid, subject nevertheless to such right of appeal as in and by Our said Letters Patent of even date herewith is given or received; and for the accomplishment of Our intention, and for aiding the said Bishop of Madras according to the laws and customs of the United Church of England and Ireland, in the due and Canonical superintendence of Ecclesiastical persons and affairs, We do hereby declare that the said Thomas Robinson and his successors, Archdeacons of Madras, and the said James Sutherland Monteret Glenie and his successors, Archdeacons of Colombo, shall from the <sup>Subject to right of appeal.</sup>

tenth day of October next, respectively, cease to be primarily subject and subordinate to the said Bishop of Calcutta, but shall then become and in all times thereafter continue to be primarily subject and subordinate to the said Bishop of Madras; and for a declaration of Our royal will in regard to the duties and functions to be hereafter exercised by the said Archdeacons of Madras and Colombo, respectively, and their respective successors, We do hereby declare that the Declaration as to, &c. The Archdeacons to said Archdeacons, respectively, shall within their respective Archdeaconries be assisting to the Bishop of Madras, in the exercise of such Episcopal jurisdiction and functions, as We have hereby been pleased to limit to the said Bishop of Madras, according to the duty of an Archdeacon by the Ecclesiastical laws of Our realm of England. And

To be Commissaries of the Bishop of Madras.

We do hereby further will, ordain, and declare, that the said Archdeacons, respectively, shall within their respective Archdeaconries be, and be taken to be, without further appointment, the Commissaries of the said Bishop of Madras and his successors, and shall exercise jurisdiction in all matters aforesaid, according to the duty and functions of a Commissary by the said Ecclesiastical laws. And it is Our

Bishop of Madras to collate, thereto.

further will, and We do hereby further give and grant to the said Bishop of Madras and his successors the right of collating to the said office of Archdeacon in all times to come after the death or other avoidance of the said Thomas Robinson, Archdeacon of Madras, any Priest, being one of the Chaplains of the said Company resident in India.

During a vacancy of the See of Madras.

And We will that during a vacancy of the said See of Madras, by the demise of the said Bishop thereof or his successors, or otherwise, the Episcopal jurisdiction and functions appertaining to the said See shall

Bishop of Calcutta to act.

In case of vacancy of the See of Calcutta, by the Archdeacon of Madras. In case of vacancy of the Archdeaconry of Madras, then by two resident Clergy-men.

And We will that during a vacancy of the said See of Calcutta, then, as far as by law they may, by the Archdeacon of Madras for the time being, or in case of a vacancy of the said Archdeaconry, then by two Clergymen of the Church of England resident within the Diocese, as may be directed by the Governor General of India in Council. And We do further direct, that during the vacancy of the said Archdeaconry of Madras, and until the Bishop of Madras shall collate thereto, or otherwise provide for the performance of the duties thereof, such duties shall be performed by one of the Chaplains of the said Presidency of Madras; and if there be no Chaplain there, then by some discreet Minister in Priest's orders of the Church of England, who shall be nominated for that purpose by the Governor of the Presidency of Madras. And

Vacancy of the Arch-deaconry of Madras.

We do further direct that, during a vacancy of the said Archdeaconry of Colombo, and until the Bishop of Madras, or Bishop of Calcutta, as the case may be, shall institute thereto a Clerk duly nominated by Us, Our heirs and successors, or otherwise provide for the performance of the duties thereof, such duties shall be performed by some discreet Minister in Priest's orders of the Church of England, who shall be nominated for that purpose by Our Governor of the said Island of Ceylon. And moreover, We command and by these presents for Us, Our

Court of Directors &c.

heirs and successors, do strictly enjoin the Court of Directors of the said East India Company, and their Governors, Officers and Servants, and Our Governor of the said Island of Ceylon, and all and singular other Our Governors, Judges and Justices, and all and singular Chap-

*Inains, Ministers, and other Our subjects within Our territories in the East Indies, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop of Madras and his successors, and to the Archdeacons of Madras and Colombo, and their respective successors, in the execution of the premises in all things.*

*Nevertheless We will, and do by these presents declare and ordain, that in all grave matters of correction which are accustomed according to the practice of the Ecclesiastical laws of Our realm of England to be judicially examined, the same shall in like manner be judicially examined and proceeded in before the said Bishop of Madras and his successors, or his or their Commissaries aforesaid, and all such causes shall be proceeded in to final sentence in due form of law.*

*And We do further will and direct, that the said Bishop of Madras and his successors may from time to time, and in all times after the decease, resignation, or other avoidance of the said Frederick Orme, appoint a proper and sufficient person to act as Registrar of the said Archdeaconry of Madras, and in case of no Registrar being so appointed, or the Registrar being unable to act, We will and direct that the said Bishop of Madras, or his Commissary for the time being within the said Archdeaconry of Madras, may assume any sufficient person as Actuary to do all acts as Registrar.*

*And We do further will and direct, that the said Bishop of Madras and his successors may from time to time, and in all times after the decease, resignation, or other avoidance of the said J. J. Staples, appoint a proper and sufficient person to act as Registrar of the said Archdeaconry of Colombo, and in case of no Registrar being so appointed, or the Registrar being unable to act, We will and direct, that the said Bishop or his Commissary within the said Archdeaconry of Colombo, respectively, may appoint any sufficient person as Actuary to do all acts as Registrar; and further We will, and do by these presents declare and ordain, that if any person against whom a judgment or decree shall be pronounced by the said Bishop of Madras or his successors, or by his or their Commissaries shall conceive himself to be aggrieved thereby, it shall be lawful for such person to appeal to the said Bishop of Calcutta or his successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced.*

*And We do further will, declare, and ordain, that in case any proceedings shall be instituted against the said Thomas Robinson or any future Archdeacon of Madras, or against the said James Sutherland Monteriel Glenie or any future Archdeacon of Colombo, such proceedings shall originate and be carried on before the said Bishop of Madras and his successors, whom We hereby authorize and direct to take cognizance of the same. And We further will, and do by these presents declare and ordain, that in case the said Thomas Robinson, or any future Archdeacon to be appointed as aforesaid, or any Chaplain duly appointed by the Court of Directors of the said East India Company, shall be for any cause whatever deprived of his said office, or suspended therefrom, or inhibited from preaching the Word of God, or exercising his Holy Office within the limits of the said Presidency of Madras, or shall be subjected to any Ecclesiastical punishment or censure whatsoever by the said Bishop of Madras or by his successors, or by his or their Com-*

All grave matters of correction to be proceeded in according to law.

Bishop of Madras empowered after death or avoidance of present Registrar to appoint a Registrar of Madras.

After death or avoidance of present Registrar of Colombo to appoint a Registrar of Colombo.

Right of appeal to the Bishop of Calcutta.

Within fifteen days. Proceedings against any Archdeacon of Madras or Colombo, &c.

In case Archdeacon or other Chaplain at Madras shall be deprived, sentence to whom to be certified and transmitted.

missary or Commissaries, a copy of the sentence in such cases promulgated and given, setting forth the cause of such deprivation, suspension, or other Ecclesiastical punishment or censure, shall without delay be certified and transmitted by the said Bishop and his successors, or his or their Commissary or Commissaries, to the Governor of Fort Saint George. And We further ordain that the Supreme Court of Judicature at Madras shall have such and the like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions, and rules of practice as is or has been exercised by Our Court of King's Bench at Westminster, in regard to proceedings in the Ecclesiastical Courts in England, regard being had nevertheless to any special provisions or exceptions contained in these Our Letters Patent, and to any other laws and regulations specially applicable to or concerning that part of Our territories in the East Indies which is included in the said Presidency of Madras. Moreover, it is Our royal will, and We do hereby declare and ordain, that nothing in these presents contained shall extend or be construed to extend to repeal, vary, or alter the provisions of any Charter, whereby Ecclesiastical jurisdiction has been given to the said Court of Judicature, so far as the same does not appertain to the correction of Clerks, or the spiritual superintendence of Ecclesiastical persons, or to give to the said Bishop of Madras, or Archdeacon of Madras, or their respective successors, any authority or jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted.

*Nothing to extend to alter Charters of Justice, &c.*

In case Archdeacon or other Chaplain at Colombo shall be deposed, &c. sentence to whom to be certified and transmitted

And We further will, and do by these presents declare and ordain, that in case the said James Sutherland Monterief Glenie, or any future Archdeacon of Colombo, or any Chaplain resident within the said Archdeaconry of Colombo, be for any cause whatever deprived of his said office, or suspended therefrom, or inhibited from preaching the Word of God, or exercising his Holy Office within the limits of the said Archdeaconry or the Diocese of Madras, or shall be subjected to any Ecclesiastical punishment or censure whatsoever by the said Bishop of Madras or by his successors, or by his or their Commissary or Commissaries, a copy of the sentence in such cases promulgated and given, setting forth the causes of such deprivation, suspension, or other Ecclesiastical punishment or censure, shall without delay be certified and transmitted by the said Bishop and his successors, or his or their Commissary or Commissaries, to Our Governor of the

*Power to the Supreme Court in Ceylon to interfere by prohibition, &c.*

said Island of Ceylon for the time being. And We further ordain that the Supreme Court of Judicature in Ceylon shall have such and the like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions, and rules of practice as is or has been exercised by Our Court of King's Bench at Westminster in regard to proceedings in the Ecclesiastical Courts in England, regard being had nevertheless to any special provisions or exceptions contained in these Our Letters Patent, and to any other laws and regulations specially applicable to or concerning Our Island of Ceylon. Moreover, it is Our royal will, and We do hereby declare and ordain, that nothing in these presents contained shall extend or be construed to extend to repeal, vary, or alter the provisions of any Charter whereby Ecclesiastical jurisdiction in causes Testamentary

*Nothing to extend to alter Charters, &c.*

and Matrimonial was given to the said Court of Judicature, so far as the same does not appertain to the correction of Clerks or the spiritual superintendence of Ecclesiastical persons, or to give to the said Bishop of Madras, or Archdeacon of Colombo, or their respective successors, any authority or Jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted.

Moreover We will and grant by these presents that the said Bishop of Madras shall be a body corporate, and do ordain, make and constitute him to be a perpetual corporation and to have perpetual succession, and that he and his successors be for ever hereafter called and known by the name of Bishop of Madras, and that he and his successors by the name aforesaid shall be able and capable in the law, and have full power, to purchase, have, take hold, and enjoy manors, messuages,

Bishop of Madras to be a body corporate to be called or known by the name of Bishop of Madras.

lands, rents, tenements, annuities and hereditaments of what nature or kind soever in fee and in perpetuity, or for term of life or years, and also all manner of goods, chattels, and things personal whatsoever of what nature or value soever, and that he and his successors by and under the said name may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered in all manner of Courts of Us, Our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs and demands, real, personal and mixed, as well temporal as spiritual, and in all other things, causes and matters whatsoever; and that the said Bishop of Madras and his successors shall and may for ever hereafter have and use a corporate seal,

With powers to purchase and hold lands &c.

To have and use a corporate seal.

And We do hereby declare, that if We, Our heirs or successors, shall think fit to revoke or recall the appointment of the said Bishop of Madras or his successors, or of the Archdeacon of Madras for the time being, or of the Archdeacon of Colombo for the time being, and shall declare such our pleasure by Letters Patent under Our great seal of Our United Kingdom, then every such Bishop or Archdeacon shall, from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be directed to the Bishop of Madras or Archdeacon respectively, to all intents and purposes, cease to be Bishop of Madras or Archdeacon of Madras, or Archdeacon of Colombo, as the case may be, and for removing doubts with respect to the validity of resignation of the said office of Bishop or Archdeacon, it is Our further will that if the said Bishop or any of his successors, shall, by instrument under his hand and seal delivered to the Bishop of Calcutta for the time being, and to be by him accepted and registered, or the said Archdeacon of Madras or Archdeacon of Colombo or their respective successors, by a like instrument delivered to the Bishop of Madras for the time being, and by him accepted and registered, resign the office of Bishop of Madras or Archdeacon as aforesaid,

If His Majesty shall think fit to revoke or recall the appointment, &c.

such Bishop or Archdeacon shall forthwith cease to be a Bishop of Madras, or Archdeacon, as the case may be to all intents and purposes, but without prejudice to any responsibility to which he may be liable in Law or Equity in respect of his conduct in his said office. And lastly, to the end that all the things aforesaid may be firmly holden and done, We will and grant to the aforesaid Daniel Corrie, that he shall have Our

Resignation of Bishop or Archdeacon

Letters Patent under Our great seal of Our United Kingdom duly made and sealed. In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the thirteenth day of June in the fifth year of Our reign.

By writ of Privy Seal.

EDMUND.

## LETTERS PATENT.

1ST OCTOBER, A. D. 1837, 7 WILL. 4.

*Dissevering Bombay from the See of Calcutta.*

WILLIAM THE FOURTH by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To all to whom these presents shall come: Greeting. Whereas His late Majesty Our Royal Father, King George the Third, did, by Letters Patent under

Letters Patent 2 May,  
54 Geo. 3 recited.

bearing date the second day of May in the fifty-fourth year of his reign, erect, found, and constitute Our territories under the Government of the East India Company to be a Bishop's See, and to be called from thenceforth the Bishoprick of Calcutta, and His said late Majesty by his same Letters Patent did give and grant to Thomas Fanshaw Middleton, the first Bishop of Calcutta and to his successors, Bishops of Calcutta, full power and authority to perform all the functions peculiar and appropriated to the office of a Bishop within the limits of the said See, but not elsewhere, and also by himself, or themselves, or by his or their Commissary or Commissaries, to exercise jurisdiction spiritual and ecclesiastical in and throughout the said See and Diocese according to the Ecclesiastical laws of England, in the several causes and matters therin expressed and specified, and no other. And His said late Majesty by his same Letters Patent did make a further declaration concerning tho' special causes and matters in which he would that the aforesaid jurisdiction be exercised, and did give and grant to the aforesaid Bishop and his successors certain powers and authorities for the performance of his and their Episcopal functions, subject however to certain limitations and reservations, as on reference to the said Letters Patent will more fully appear, and for aiding the said Bishop of Calcutta in the due and canonical superintendence of Ecclesiastical persons and affairs, his said late Majesty by his said Letters Patent did erect one Archdeaconry in and over the Presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other Archdeaconry in and over the Presidency of Fort Saint George on the coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other Archdeaconry in and over the Presidency and Island of Bombay on the coast of Malabar, to be styled the Archdeaconry of Bombay, all such Archdeaconries to be subject and sub-

ordinate to the said Bishop's See of Calcutta, and his said late Majesty did by his said Letters Patent nominate his well-beloved Henry Lloyd Loring, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Calcutta, his well-beloved John Mousley, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Madras, and his well-beloved George Barnes, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Bombay, and his said late Majesty did by his said Letters Patent declare that each of the said Archdeacons should within his Archdeaconry be assisting to the Bishop of Calcutta, in the exercise of such Episcopal jurisdiction as his said late Majesty had by his said Letters Patent been pleased to limit to the said Bishop of Calcutta, according to the duty of an Archdeacon by the Ecclesiastical laws of England; and his said late Majesty did by his said Letters Patent further ordain and declare, that each of the said Archdeacons should within his Archdeaconry, be and be taken to be without further appointment the Commissary of the said Bishop of Calcutta and his successors, and should exercise jurisdiction in all the matters aforesaid according to the duties and functions of a Commissary by the said Ecclesiastical laws; and his said late Majesty by his said Letters Patent did grant to the said Bishop of Calcutta and his successors the right of collating to the said offices of Archdeacons in all times to come after the death or other avoidance of the said Henry Lloyd Loring, John Mousley, and George Barnes, any Priest being one of the Chaplains of the said Company resident in India; and his said late Majesty did by his said Letters Patent further will and direct that the said Bishop of Calcutta and his successors, might from time to time appoint a proper and sufficient person in each Archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed, or the Registrar being unable to act, his said late Majesty willed and directed that the said Bishop of Calcutta or the Commissaries respectively, might assume any sufficient person as Actuary to do all acts as Registrar; and his said late Majesty did by his said Letters Patent will that during a vacancy of the said See by the demise of the said Bishop or his successors, or otherwise, the episcopal jurisdiction and functions appertaining to the said See should be exercised as far as by law they might by the Archdeacon of Calcutta for the time being, or in case of a vacancy of the said Archdeaconry, then by the Archdeacon of Madras, or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the Diocese, as might be directed by the Governor General in Council of Fort William; and his said late Majesty did by his said Letters Patent nominate, constitute, and appoint divers officers therein named to be Commissioners Delegate, to hear, decide, and determine appeals in manner therin mentioned or referred to; and his said late Majesty did by his said Letters Patent further will, declare, and ordain, that in case any proceedings should be instituted against any Archdeacon, such proceedings should originate and be carried on before the said Commissioners Delegate, whom his said late Majesty by his said Letters Patent authorized and directed to take cognizance of the same. And whereas the Venerable Thomas Carr, Doctor in Divinity, is the present Archdeacon of the said Archdeaconry of Bom-

The Venerable Thomas Carr, D.D. the present Archdeacon of Bombay

William Fenwick, Esq. bay. And whereas William Fenwick, Esquire, is the present Registrar of the said Archdeaconry of Bombay. And whereas His late Majesty Our Royal Brother King George the Fourth, did, by Letters Patent under Our great seal of Our said United Kingdom of Great Britain and Ireland, bearing date the twenty-seventh day of May, in the fourth year of his Reign, ordain and declare his Royal will and pleasure that from thenceforth the whole of Our territories within the limits of the Charter of the said East India Company should form and constitute the See and Diocese of Calcutta. And whereas by Our

*Letters Patent of the  
16th April, 3 Will. 4.  
Daniel Wilson D. D.  
the Bishop of Cal-  
cutta.*

*Letters Patent of the  
13 June, 5 Will. 4,  
recited.*

Letters Patent under the great seal of Our said United Kingdom, bearing date the sixteenth day of April, in the third year of Our Reign, We did appoint Our well-beloved Daniel Wilson, Doctor in Divinity, to be Bishop of the said Bishoprick of Calcutta, which was then vacant. And whereas by Our Letters Patent under the great seal of Our said United Kingdom bearing date the thirteenth day of June in the fifth year of Our Reign, we did ordain and declare Our Royal will and pleasure that, from and after the tenth day of October then next, the territories then within the limits of the Presidency of Madras, and also the territories within Our Island of Ceylon, and also Our Colonies of New South Wales and Van Diemen's Land, and their respective dependencies, should be disengaged from and cease to be parts of the said Diocese of Calcutta. And after reciting that it was Our intention, by Letters Patent under Our great seal of Our said United Kingdom, bearing even date with Our said Letters Patent now in recital, to erect, found, and constitute Our territories in the East Indies within the limits of the Presidency of Madras, and also Our territories within the said Island of Ceylon to be a Bishop's See, and to be called from thenceforth the Bishoprick of Madras, and to name and appoint Our well-beloved Daniel Corrie, Doctor of Laws, then Archdeacon of Calcutta, to be Bishop of the said See of Madras, and to grant to such Bishop of Madras and his successors such or the like Ecclesiastical jurisdiction, and the exercise of such or the like Episcopal functions within the said See of Madras, as were theretofore enjoyed and exercised by the said Bishop of Calcutta within the limits of the said Presidency of Madras, and within Our territories in the said Island of Ceylon, we did by Our said Letters Patent now in recital further will and ordain that the Bishop of the said See of Calcutta for the time being should be and be deemed and taken to be the Metropolitan Bishop in India, and should have and enjoy and exercise such Ecclesiastical jurisdiction as thereinafter was mentioned, (subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being,) in the same manner as the said Bishop of Calcutta was subject and subordinate to the Archiepiscopal See of the Province of Canterbury, in the exercise of all Ecclesiastical jurisdiction and powers which previously to Our same Letters Patent were vested in the said Bishop; and by Our said Letters Patent now in recital, we did further will that during a vacancy of the said See of Calcutta, by the demise of the Bishop thereof for the time being, or otherwise, the Episcopal jurisdiction and functions appertaining to the said See, should be exercised by the Bishop of Madras for the time being, and in case of a vacancy of the said See of Madras, then the same jurisdiction and functions should be

exercised as far as by law they might by the Archdeacon of Calcutta for the time being, or in case of a vacancy of the said Archdeaconry, then by the Archdeacon of Madras, or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the Diocese of Calcutta, as might be directed by the Governor General of India in Council. And We did thereby further will that, during a vacancy of the said See of Madras by the demise of the Bishop thereof for the time being, or otherwise, the Episcopal jurisdiction and functions appertaining to such See should be exercised by the Bishop of Calcutta for the time being, and in case of a vacancy of the said See of Calcutta, then the same jurisdiction and functions should be exercised as far as by law they might by the Archdeacon of the See of Madras for the time being, or in case of a vacancy of such Archdeaconry, then by two Clergymen of the Church of England resident within the Diocese, as might be directed by the Governor General of India in Council. And whereas the present Diocese of the Bishoprick of Calcutta, notwithstanding the erection of the said Bishoprick of Madras, continues to be of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to assign new limits to the said Diocese by dis severing therefrom the territories hereinafter mentioned, and to found another separate and distinct Bishoprick, but nevertheless the Bishop thereof to be subordinate and subject to the Bishop of Calcutta for the time being, as his Metropolitan. Now Ordain from the 1st July 1838, Bombay to be dis severed

by these presents ordain and declare Our Royal will and pleasure that, from and after the first day of July next, the territories now within the limits of the Presidency of Bombay, shall be dis severed from and cease to be parts of the said Diocese and See of Calcutta. And We do by these presents from and after the said first day of July next, revoke all and singular the right, powers, authorities, functions, and jurisdictions of the said Bishop of Calcutta and his successors, in and over the territories within the said Presidency of Bombay, except only such rights, powers, authorities, functions, and jurisdictions as shall be hereinafter limited or confirmed; and to the end that Our said intention may be the better carried into effect, We do hereby will, declare, and ordain that the Archdeacon, for the time being of the said Archdeaconry of Bombay, shall from and after the said first day of July next, cease to be assisting to the said Bishop of Calcutta and his successors, in the exercise of the ordinary Episcopal jurisdiction by his said late Majesty King George the Third limited by his said first mentioned Letters Patent to the said Bishop of Calcutta, and And cease to be the Commissary of the said Bishop of Calcutta and his successors. And it is Our further will, and We do hereby further declare, that the power, right, and authority to the said Bishop of Calcutta and his successors, given and granted by the same Letters Patent, to collate to the office of Archdeacon of Bombay, any Chaplain of the East India Company resident in India, shall, from and after the said first day of July next, cease and be revoked. And We do hereby revoke the said power, right, and authority accordingly. And it is Our further will, and We do hereby further declare, that the power, right, and

Bishoprick of Calcutta still of too great an extent

Revoke all right &c. of the Bishop of Calcutta over Bombay.

Archdeacon of Bombay to cease to be assisting the Bishop of Calcutta

Power of Bishop of Calcutta to collate to the office of Archdeacon of Bombay, to cease.

Except, &c.

Power of the Bishop of Calcutta to appoint a Registrar at Bombay, to cease.

authority to the Bishop of Calcutta and his successors, given and granted by the same Letters Patent, to appoint a Registrar of the said Archdeaconry of Bombay, and to assume an Actuary to act as Registrar thereof, shall from and after the said first day of July next, cease and be revoked. And We do hereby revoke the said power, right, and authority accordingly. Provided that nothing herein contained shall extend to affect any matter or cause pending, or which, before the said first day of July next, may be pending in the Court of the Bishop of Calcutta, or in the Court of any of his Archdeacons or Commissaries, and that every judgment or decree of the said

Bishop, or his Archdeacons or Commissaries, already made or hereafter to be made in any matter or cause now pending, or which shall be so pending as aforesaid, shall have such and the like force and effect in all respects as if these Our Letters Patent had not been made. And it is Our further will, and We do hereby declare and ordain,

**Provision of the Letters Patent of the 5 Will. 4th 45 to vacancy of the See of Calcutta, to cease.**

that the said provision contained in Our said Letters Patent, bearing date the thirteenth day of June, in the fifth year of Our Reign, for temporarily supplying a vacancy of the said See of Calcutta, shall, from and after the said first day of July, cease and be revoked. And

We do hereby revoke the same provision accordingly. And whereas

**Letters Patent of the 1 Oct. 7 Will. 4 recited.**

it is Our intention by Letters Patent under the great seal of Our said United Kingdom, bearing even date with these presents, to erect, found, and constitute Our territories in the East Indies within the limits of the Presidency of Bombay to be a Bishop's See, and to be called from henceforth the Bishoprick of Bombay, and to name and appoint the said Thomas Carr to be Bishop of the said See of Bombay, and to grant such Bishop of Bombay and his successors, such or the like Ecclesiastical jurisdiction and the exercise of such or the like Episcopal functions within the said See of Bombay, as were heretofore enjoyed and exercised by the said Bishop of Calcutta, within the limits

**Ordain that the Bishop of Calcutta shall be Metropolitan Bishop in India.**

in this respect of Our said Letters Patent of the thirteenth day of June in the fifth year of Our Reign, will and ordain that the Bishop of the said See of Calcutta for the time being shall be and be deemed and taken to be the Metropolitan Bishop in India, and shall have

and enjoy and exercise such Ecclesiastical jurisdiction as hereinafter

**Subject to the Archbishop of Canterbury, &c.**

is mentioned, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being, in the same manner as the said Bishop of Calcutta was subject and subordinate to the Archiepiscopal See of the Province of Canterbury, in the exercise of all Ecclesiastical jurisdiction and powers which previously to these Our Letters Patent were vested in the said Bishop.

**Bishop of Bombay** And We will and ordain that the said Bishop of Bombay shall be a Suffragan to the Bishop of Calcutta, and his successors. And We give, grant, and confirm unto the said Bishop of Calcutta and his

**Metropolitan power** successors full power and authority to perform all functions peculiar to the Bishop of Calcutta within Bombay and appropriated to the office of Metropolitan within the limits of the &c. over the Bishop of Calcutta, said See of Bombay, and to exercise Metropolitical jurisdiction over the Bishop of Bombay and his successors, and the Archdeacon of Bonibay, and all other Chaplains, Ministers, Priests and Deacons in

Holy Orders of the United Church of England and Ireland, within the

limits of the said Diocese of Bombay. And We do by these presents give and grant unto the said Bishop of Calcutta and his successors full power and authority to visit once in every five years, or oftener if occasion shall require, as well the said Bishop of Bombay and his successors, as all Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland resident in the said Diocese of Bombay, for correcting and supplying the defects of the said Bishop of Bombay and his successors, with all and all manner of visitatorial jurisdiction, power, and coercion. And We do hereby authorize and empower the said Bishop of Calcutta and his successors to inhibit, during any such visitation of the said Diocese of Bombay, the exercise of all such part or parts of the ordinary jurisdiction of the said Bishop of Bombay or his successors, as to him the said Bishop of Calcutta or his successors, shall seem expedient; and during the time of such visitation to exercise by himself or themselves, or his or their Commissaries, such powers, functions, and jurisdictions in and over the Diocese of Bombay, as the said Bishop of Bombay might have exercised if he had not been inhibited from exercising the same. And We do further ordain and declare that, if any person against whom a judgment or decree shall be pronounced by the said Bishop of Bombay or his successors, or his or their Commissary or Commissaries, shall conceive himself to be aggrieved by such sentence, it shall be lawful for such person to appeal to the said Bishop of Calcutta or his successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced. And We do give, grant, and confirm to the said Bishop of Calcutta and his successors full power and authority finally to decide and determine the said appeals, in as ample manner as any of the Archbishops of England can or may hear and determine appeals from the Courts of the Bishops within his province. And We do hereby authorize and empower the said Bishop of Calcutta and his successors, and his or their Commissary or Commissaries, to administer in his and their metropolitical and visitatorial and appellate jurisdiction over the said See of Bombay all such oaths as the said Bishop of Calcutta and his predecessors have been accustomed lawfully to administer in his and their ordinary jurisdiction. Nevertheless We do will and by these presents declare and ordain that, in the exercise of the metropolitical, visitatorial, and appellate jurisdiction aforesaid hereby limited and given to the said Bishop of Calcutta and his successors, all grave matters of correction which are accustomed according to the practice of the Ecclesiastical laws of England to be judicially examined, shall in like manner be judicially examined and proceeded in before the said Bishop of Calcutta and his successors, and his or their Commissary or Commissaries, and all such causes shall be proceeded in to final sentence in due form of law. And We do further will and ordain that, in case any proceedings shall be instituted against any Bishop of Bombay, such proceedings shall originate and be carried on before the said Bishop of Calcutta, whom We hereby authorize and direct to take cognizance of the same. And We further will that, during a vacancy of the said See of Calcutta, by the demise of the Bishop thereof for the time being, or otherwise, the Episcopal jurisdiction and functions appertaining to the said See shall be exercised by

To visit once in five years.

To inhibit during such visitation, &c.

And to exercise jurisdiction, &c. in the same manner as Bishop of Bombay if not inhibited

Appeal given to the Bishop of Calcutta from sentences of Bishop of Bombay.

To be entered in 15 days.

Power of Bishop of Calcutta to decide such appeals.

To administer oaths.

Bishop of Calcutta as Metropolitan in the exercise of jurisdiction, in all grave matters to proceed in due form of law.'

Proceedings against Bishop of Bombay to originate, &c. before the Bishop of Calcutta.

Provision for supplying the vacancy of the See of Calcutta.

such one of the Suffragan Bishops of Madras and Bombay for the time being, as shall have been first consecrated, and in case of a vacancy of either of the said Sees of Madras and Bombay, then the same jurisdiction and functions shall be exercised by the Bishop of Madras or Bishop of Bombay for the time being, as the case may be; and in

In case of vacancy of either of the Sees of Madras or Bombay, &c. In case of a vacancy of both of the said Sees of Madras and Bombay, then the same jurisdiction and functions shall be exercised as far as by law they may be the Archdeacon of Calcutta for the time being, or

in case of a vacancy of the said Archdeaconry, then by the Archdeacon of Madras or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the Diocese of Calcutta, as may be directed by the Governor General of India in Council. And We further will that, during a vacancy of the said See of Bombay by the demise of the Bishop thereof for the time being or otherwise, the Episcopal jurisdiction and functions appertaining to such See shall be exercised by the Bishop of Calcutta for the time being, and in case of a vacancy of the said See of Calcutta, then the same jurisdiction and functions shall be exercised by the Bishop of Madras for the time being, and in case of a vacancy of the said See of Madras, then the same jurisdiction and functions shall be exercised as far as by law they may be, by the Archdeacon of the See of Bombay for the time being, or in case of a vacancy of such Archdeaconry, then by two Clergymen of the Church of England resident within the Diocese, as may be directed by the Governor

**Copy of every sentence &c., how to be certified and transmitted.** General of India in Council. And We further will and ordain that a copy of every sentence of deprivation, suspension, or other Ecclesiastical punishment or censure whatsoever, promulgated or given or affirmed by the said Bishop of Calcutta or his successors, in the exercise of his or their metropolitical, visitatorial, or appellate jurisdiction, shall be certified and transmitted to the same persons, and in the same manner as copies of sentences promulgated or given by the said Bishop of Calcutta or his successors in the exercise of his or their ordinary

**Supreme Court to interfere by prohibition, &c.** jurisdiction, ought to be certified and transmitted. And We further ordain that the Supreme Court of Judicature at Calcutta, Madras, or Bombay, (as the case may be,) shall have such and a like jurisdiction and power of interfering by writ of prohibition or mandamus in regard to all proceedings to be had or instituted, or which might be had or instituted in pursuance of these presents, subject to the same laws, restrictions, and rules of practice as is or has been exercised

by Our Court of King's Bench at Westminster in regard to proceedings in the Ecclesiastical Court in England, regard being had nevertheless to any special provisions or exceptions contained in these Our Letters Patent, or to any other laws and regulations specially applicable to or concerning Our territories in the East Indies, or the See and Diocese of Calcutta. Moreover, it is Our royal will, and We do hereby declare and ordain that nothing in these presents contained shall extend or be construed to extend to repeal, vary, or alter the provisions of the several Charters, whereby ecclesiastical jurisdiction has been

**Nothing to alter Characters of Justice, &c.** given to the said Courts of Judicature respectively, so far as the same does not extend to the spiritual correction and superintendence of Clerks, or the spiritual superintendence of Ecclesiastical persons, or to give to the said Bishop of Calcutta or his successors any authority or jurisdiction whatever

in matters now cognizable in the said Courts, except as herein last before excepted. And moreover We command and enjoin the Court of Directors of the East India Company, and their Governors, Officers, and Servants, and all and singular Our Governors, Judges, and Justices, and all and singular Chaplains, Ministers, and others Our subjects within in the parts aforesaid, that they and every of them be, in and by all lawful ways and means, aiding and assisting to the said Bishop of Calcutta and his successors, in the execution of the premises in all things. In witness whereof, We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the first day of October, in the seventh year of Our reign.

By writ of Privy Seal.

(Great Seal.)

EDWARDS.

## LETTERS PATENT.

1ST OCTOBER A. D. 1837, 7 WILL. 4.

*Bishoprick of Bombay.*

WILLIAM the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To all to whom these presents shall come, Greeting: Whereas his late Majesty Our Royal Father, King George the Fourth, did by Letters Patent under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date the second day of May, in the fifty-fourth year of his reign, erect, found, and constitute Our territories under the Government of the East India Company to be a Bishop's See, and to be called from thenceforth the Bishoprick of Calcutta; and his said late Majesty by his said Letters Patent did give and grant to Thomas Fanshaw Middleton, the first Bishop of Calcutta and to his successors, Bishops of Calcutta, full power and authority to perform all the functions peculiar and appropriated to the office of a Bishop within the limits of the said See, but not elsewhere, and also by himself or themselves, or by his or their Commissary or Commissaries, to exercise jurisdiction spiritual and ecclesiastical in and throughout the said See and Diocese, according to the Ecclesiastical laws of England in the several causes and matters therein expressed and specified. And no other, and his said late Majesty by his said Letters Patent did make a further declaration concerning the special causes and matters in which he would that the aforesaid jurisdiction be exercised, and did give and grant to the aforesaid Bishop and his successors certain powers and authorities for the performance of his and their Episcopal functions, subject however to certain limitations and reservations, as on reference to the said Letters Patent will more fully appear. And for aiding the

Letters Patent, 2nd  
May, 54 Geo. 3. re cited.

Bombay.

Bombay.

said Bishop of Calcutta in the due and canonical superintendence of Ecclesiastical persons and affairs, his said late Majesty by his said Letters Patent did erect one Archdeaconry in and over the Presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other Archdeaconry in and over the Presidency of Fort Saint George on the coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other Archdeaconry in and over the Presidency and Island of Bombay on the coast of Malabar, to be styled the Archdeaconry of Bombay, all such Archdeaconries to be subject and subordinate to the said Bishop's See of Calcutta. And his said late Majesty did by his said Letters Patent nominate his well-beloved Henry Lloyd Loring, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Calcutta, his well-beloved John Mousley, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Madras, and his well-beloved George Barnes, Doctor in Divinity, to be Archdeacon of the Archdeaconry of Bombay. And his said late Majesty did by his said Letters Patent declare that each of the said Archdeacons should within his Archdeaconry be assisting to the Bishop of Calcutta in the exercise of such Episcopal jurisdiction as his said late Majesty had by his said Letters Patent been pleased to limit to the said Bishop of Calcutta, according to the duty of an Archdeacon by the Ecclesiastical laws of England. And his said late Majesty did by his said Letters Patent ordain and declare that each of the said Archdeacons should within his Archdeaconry be and be taken to be without further appointment the Commissary of the said Bishop of Calcutta and his successors, and should exercise jurisdiction in all the matters aforesaid, according to the duties and functions of a Commissary by the said Ecclesiastical law. And his said late Majesty by his said Letters Patent did grant to the said Bishop of Calcutta and his successors the right of collating to the said offices of Archdeacon in all times to come after the death or other avoidance of the said Henry Lloyd Loring, John Mousley, and George Barnes, any Priest being one of the Chaplains of the said Company resident in India. And his said late Majesty did by his said Letters Patent further will and direct that the said Bishop of Calcutta and his successors might from time to time appoint a proper and sufficient person in each Archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed, or the Registrar being unable to act, his said late Majesty willed and directed that the said Bishop of Calcutta, or the Commissioners respectively, might assume any sufficient person as Actuary to do all acts as Registrar. And his said late Majesty did by his said Letters Patent nominate, constitute, and appoint divers Officers therein named to be Commissioners Delegate, to hear, decide, and determine appeals in manner therein mentioned or referred to. And his said late Majesty did by his said Letters Patent further will, declare, and ordain, that in case any proceedings should be instituted against any Archdeacon, such proceedings should originate and be carried on before the said Commissioners Delegate, whom his said late Majesty by his said Letters Patent authorized and directed to take cognizance of the same. And whereas the Venerable Thomas Carr, Doctor in Divinity, is the pre-

sent Archdeacon of the said Archdeaconry of Bombay. And whereas William Fenwick, Esquire, is the present Registrar of the said Archdeaconry of Bombay. And whereas by Our Letters Patent under the great seal of the said United Kingdom, bearing even date with these presents, in consideration that, notwithstanding the erection of the said Bishoprick of Madras, the then present Diocese of the Bishoprick of Calcutta continued to be of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and that it was therefore expedient to assign new limits to the said Diocese, dis severing therefrom the territories hereinafter and hereinafter mentioned, and to found a separate and distinct Bishoprick, We have by Our said Letters Patent ordained, and declared Our royal will and pleasure, that, from and after the first day of July next, the territories within the limits of the Presidency of Bombay should be dis severed from and cease to be parts of the said Diocese and See of Calcutta. And by the said Letters Patent We have revoked all and singular the rights, powers, authorities, functions, and jurisdiction of the said Bishop of Calcutta and his successors, in and over the territories within the said Presidency of Bombay, except only such rights, powers, authorities, functions, and jurisdictions as are hereinafter limited or confirmed and hereinafter mentioned. And by Our said Letters Patent We have willed, declared, and ordained, that the Archdeacon for the time being of the said Archdeaconry of Bombay should, from and after the first day of July next, cease to be assisting to the said Bishop of Calcutta and his successors, in the exercise of the ordinary Episcopal jurisdiction by His late Majesty King George the Third limited by his said first mentioned Letters Patent to the said Bishop of Calcutta, and cease to be the Commissary of the said Bishop of Calcutta and his successors. And by Our said Letters Patent We have revoked and annulled the power, right, and authority of the said Bishop of Calcutta and his successors to collate to the said office of Archdeacon of Bombay, and by Our said Letters Patent We have revoked the power, right, and authority of the said Bishop of Calcutta and his successors to appoint a Registrar of the said Archdeaconry of Bombay, and to assume an Actuary to act as Registrar thereof. And whereas in consideration of Our intention to erect Our territories in the East Indies within the limits of the Presidency of Bombay to be a Bishop's See, to be styled the Bishoprick of Bombay, and to grant to the Bishop of the said See of Bombay and his successors, such jurisdiction as hereafter mentioned, We have by Our said Letters Patent of even date herewith further ordained that the said Bishop of Calcutta for the time being, shall be and be deemed and taken to be the Metropolitan Bishop in India, and shall have and exercise such Ecclesiastical jurisdiction as in Our said Letters Patent is mentioned, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being, in the same manner as the said Bishop of Calcutta was subject and subordinate to the Archiepiscopal See of the province of Canterbury, in the exercise of all Ecclesiastical jurisdiction and powers which previously to Our said Letters Patent were vested in the said Bishop. And We have further by Our said Letters Patent granted

William Fenwick, Esquire present Registrar.  
Letters Patent of same date recited.

to the said Bishop of Calcutta and his successors, full power and authority to perform all functions peculiar and appropriate to the office of Metropolitan, and exercise Metropolitical jurisdiction over the Bishop of Bombay and his successors, and the Archdeacon of Bombay, and all other Chaplains, Ministers, Priests, and Deacons in Holy Orders of the United Church of England and Ireland within the limits of the said Diocese of Bombay; and also full power and authority to visit once every five years, or oftener if occasion shall require, as well the said Bishop of Bombay and his successors, as all Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland resident in the said Diocese of Bombay, for correcting and supplying the defects of the said Bishop of Bombay and his successors, with all and all manner of visitatorial jurisdiction, power, and coercion. And We have thereby authorized and empowered the said Bishop of Calcutta and his successors to inhibit, during any such visitation of the said Diocese of Bombay, the exercise of all such part or parts of the ordinary jurisdiction of the said Bishop of Bombay or his successors, as to him the said Bishop of Calcutta or his successors shall seem expedient; with such other powers as by reference to Our said Letters Patent will more fully appear. And We have thereby also ordained that, if any person against whom a judgment or decree shall be pronounced by the said Bishop of Bombay or his successors, or his or their Commissary or Commissaries, shall conceive himself to be aggrieved by such sentence, it shall be lawful for such person to appeal to the said Bishop of Calcutta or his successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced. And We have thereby given and granted to the said Bishop of Calcutta and his successors, full power and authority finally to decide and determine such appeals in manner in Our said Letters Patent mentioned. And We have thereby also ordained that, in case any proceedings shall be instituted against any Bishop of Bombay, such proceedings shall originate and be carried on before the said Bishop of Calcutta, whom We have thereby authorized and directed to take cognizance of the same. Now know ye, that to the end that Our intention may be further carried into effect, We do by these presents ordain, and declare Our royal will and pleasure

*After the 1st July  
1838 Bombay to be a  
Bishop's See.*

to be, that from and after the said first day of July next, Our territories within the limits of the Presidency of Bombay shall be erected into a Bishop's See. And We do by these presents erect, found, ordain, make, and constitute Our territories in the East Indies within the limits of the Presidency of Bombay to be a Bishop's See according-

*To be called the Bi-  
shoprick of Bombay.*

and to be called from thenceforth the Bishoprick of Bombay. And to the end that this Our intention may be carried into due effect, We having great confidence in the learning, morals, and probity of Our well-beloved Thomas Carr, Doctor in Divinity, now Archdeacon of Bombay, do name and appoint him to be Bishop of the said

*Thomas Carr, D. D.  
to be Bishop.*

See of Bombay, so that the said Thomas Carr shall be and be taken to be Bishop of the Bishop's See of Bombay, and may by virtue of this Our nomination and appointment, enter into and possess the said Bishop's See as the Bishop thereof, without any let or impediment of Us, Our heirs or successors; subject nevertheless to the

*Subject to revocation,  
&c.*

power of revocation, and to the right of resignation, hereinafter more particularly expressed. Moreover We will, and ordain by these presents, that the Bishop of the said See of Bombay and his successors shall be subject and subordinate to the said See of Calcutta, and to the Right Reverend Father in God, Daniel, Bishop of Calcutta and his successors, in the same manner as any Bishop of any See within the province of Canterbury in Our Kingdom of England is under the authority of the Archiepiscopal See of the province of Canterbury and the Archbishop thereof. And We do hereby further will, and ordain that every Bishop of Bombay shall, at the time of his consecration, take an oath of due Oath to be taken by the Bishop of Bom-  
bay.

Bishop of Bombay to be subject, &c. to the See and Bishop of Calcutta.

obedience to his Metropolitan, in the words or to the effect following :

"I \_\_\_\_\_, appointed Bishop of the Church and See of Bombay, do profess and promise all due reverence and obedience to the Metropolitan Bishop of Calcutta, and to his successors. So help me God, through Jesus Christ;" which oath shall and may be administered by the said Archbishop, or by the Bishops administering at such consecration, or any one of them. And to the end that all the matters and things herein prescribed may have their due effect, We do hereby signify to the most Reverend Father in God, William, Lord Archbishop of Canterbury, Primate of all England and Metropolitan, and to the Right Reverend Father in God, Daniel, Lord Bishop of Calcutta, and to the Right Reverend Father in God, Daniel, Bishop of Madras, that We have directed and founded the aforesaid Episcopal See of Bombay, and have named and preferred Our well-beloved Thomas Carr, Clerk, now Archdeacon of Bombay, Doctor in Divinity, to the said Bishoprick, and have appointed him the Bishop and Ordinary Pastor thereof, and considering that the said Thomas Carr is now resident in India, We do hereby require, and by the faith and love whereby he is bound unto us, command the said William, Lord Archbishop of Canterbury, to issue a commission under his hand and seal, to be directed to the said Daniel, Bishop of Calcutta, and Daniel, Bishop of Madras, authorizing Commission to con-  
secate.

and charging them to perform, as soon as circumstances will permit, all requisite ceremonies for the consecration of the said Thomas Carr to the degree and office of Bishop of Bombay. And We do further will and direct that the said commission shall and may be issued at any time after the date of these Our Letters Patent, to give validity to which commission if the same should be issued previously to the said first day of July next, We declare Our will to be that the said Bishoprick of Bombay shall for such purpose only be considered to be erected on the day of the date of these Our Letters Patent.

And We do by these presents give and grant to the said Thomas Carr and his successors, Bishops of Bombay, full power and authority to admit into the Holy Orders of Deacon and Priest respectively, any person whom he shall upon examination deem duly qualified, especially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity within the limits of the said Diocese of Bombay and residing therein. And We do by these presents will and ordain that a declaration of such purpose, and a written engagement to perform the same under the hand of such person being deposited in the hands of such Bishop, shall be held to be a sufficient title with a view to such Ordination, and that in every such case it

Bishop of Bombay to Ordain and Confirm, &c.

shall be distinctly stated in the Letters of Ordination of every person so admitted to Holy Orders, that he has been ordained for the cure of souls within the limits of the said Diocese of Bombay; and that unless such person shall be a British subject of or belonging to Our United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make. And We do hereby further give and grant to the said Thomas Carr and his successors, Bishops of Bombay, full power and authority to confirm those that are baptised, and come to years of discretion, and to perform all functions peculiar and appropriated to the office of Bishop within the limits of the said See of Bombay, but not elsewhere, such Bishop and his successors

By himself or Commissary to exercise Spiritual and Ecclesiastical jurisdiction, &c. in the causes and matters specified.

**Declaration.**

having been first duly ordained or consecrated Bishops: and also by himself and themselves, or by his or their Commissary or Commissaries, to exercise jurisdiction Spiritual and Ecclesiastical in and throughout the said See and Diocese of Bombay according to the Ecclesiastical laws of England, which are lawfully made and received in England in the several causes and matters hereinafter in these presents expressed and specified, and no other. And for a declaration of Our Royal will concerning the special causes and matters in which We will that the aforesaid jurisdiction shall be exercised, We have further given and granted, and do by these presents give and grant, to the aforesaid Bishop of Bombay and his successors, full power and authority by himself or themselves, or by his or their Commissary or Commissaries by him or them to be thereunto especially authorized, to grant licenses to officiate to all Ministers and Chaplains of all the Churches or Chapels or other places within the said Diocese of Bombay wherein Divine Service shall be celebrated according to the rites and liturgy of the Church of England: and to visit all such Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland resident in their said Diocese of Bombay, with all and all manner of jurisdiction, power, and coercion Ecclesiastical that may be requisite in the premises: as also to call before him or them, or before his or their Commissary or Commissaries, at such competent days, hours, and places whatsoever, when and as often as to him or them shall seem meet and convenient, the aforesaid Ministers, Chaplains, Priests or Deacons in Holy Orders of the United Church of England and Ireland, or any of them, and to enquire by witnesses to be sworn in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done, as well concerning their morals as their behaviour in their said offices and station respectively. And We do hereby authorize and empower the said

**To grant Licenses to officiate.**

**To Visit, &c.**

**To administer Oaths &c.**

**To Punish and correct.**

**Subject to appeal.**

Bishop of Bombay and his successors, and his and their Commissary or Commissaries, to administer all such oaths as are accustomed and by law may be administered according to the Ecclesiastical laws of Our Realm of England, and to punish and correct the aforesaid Chaplains, Ministers, Priests and Deacons in Holy Orders of the United Church of England and Ireland according to their demerits, whether by deprivation, suspension, or other such Ecclesiastical censure or correction as they would be liable to according to the Ecclesiastical laws aforesaid, subject nevertheless to such right of appeal as in and by Our said

Letters Patent of even date herewith is given or reserved. And for the accomplishment of Our intention, and for aiding the said Bishop of Archdeaconry of Bombay, according to the laws and customs of the United Church of England and Ireland, in the due and canonical superintendence of Ecclesiastical persons and affairs, We do hereby declare that the Archdeacon of Bombay for the time being shall, from the said first day of July next, cease to be primarily subject and subordinate to the said Bishop of Calcutta, but shall then become and in all times thereafter continue to be primarily subject and subordinate to the said Bishop of Bombay. And for a declaration of Our Royal will with regard Declaration as to, &c to the duties and functions to be hereafter exercised by the Archdeacon of Bombay for the time being, We do hereby declare that the said Archdeacon shall within his Archdeaconry be assisting to the Bishop of Bombay in the exercise of such Episcopal jurisdiction and functions as We have hereby been pleased to limit to the said Bishop of Bombay, according to the duty of an Archdeacon by the Ecclesiastical laws of Our Realm of England. And We do hereby further will, ordain, and declare that the said Archdeacon for the time being, shall within his Archdeaconry be, and be taken to be, without further appointment, the Commissary of the said Bishop of Bombay and his successors, and shall exercise jurisdiction in all matters aforesaid according to the duty and functions of a Commissary by the said Ecclesiastical laws. And it is Our further will, and We do hereby give and grant to the said Thomas Carr the right of collating to the said office of Archdeacon, which will be vacant on his consecration as Bishop of Bombay, any Priest being one of the Chaplains of the said Company resident in India. And We do hereby further give and grant to the said Bishop of Bombay and his successors, the right of collating to the said office of Archdeacon in all times to come after the death or other avoidance of the Archdeacon first to be appointed by the said Thomas Carr, any Priest being one of such Chaplains as aforesaid. And We will that during a vacancy of the said See of Bombay by the demise of the said Bishop thereof or his successors, or otherwise, the Episcopal jurisdiction and functions appertaining to the said See shall be exercised by the said Bishop of Calcutta and his successors, with power to delegate to the Bishop of Madras for the time being the performance of such Episcopal jurisdiction and functions, and in case of a vacancy of the said See of Calcutta, then by the said Bishop of Madras and his successors, and in case of a vacancy of the said See of Madras, then as far as by law they may be by the Archdeacon of Bombay for the time being, or in case of a vacancy of the said Archdeaconry, then by two Clergymen of the Church of England resident within the Diocese, as may be directed by the Governor General in Council. And We do further direct that, during the vacancy of the said Archdeaconry of Bombay, and until the Bishop of Bombay shall collate thereto, or otherwise provide for the performance for the duties thereof, such duties shall be performed by one of the Chaplains of the said Presidency of Bombay, and if there shall be no Chaplain there, then by some district Minister in Priest's Orders of the Church of England, who shall be nominated for that purpose by the Governor of the Presidency of The Court of Directors, &c. Bombay. And moreover We command and by these presents for

The Archdeacon to assist &c.

To be the Commissary of Bishop of Bombay.

Bishop of Bombay to collate.

During vacancy of the See of Bombay.

Bishop of Calcutta to act with power to delegate Bishop of Madras to act.

In case of vacancy of the See of Calcutta by the Bishop of Madras, or if vacant, then by the Archdeacon or two Clergymen.

Vacancy of Archdeaconry of Bombay.

*Us, Our heirs and successors, do strictly enjoin, as well the Court of Directors of the said East India Company, and their Governors, Officers, and Servants, as all and singular other Our Governors, Judges, and Justices, and all and singular Chaplains, Ministers, and other Our subjects within Our territories in the East Indies, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop of Bombay and his successors, and to the Archdeacon of Bombay and his successors, in the execution of the premises*

**All grave matters of correction to be proceeded in according to law.**

*All grave matters of correction which are accustomed according to the practice of the Ecclesiastical laws of Our Realm of England to be judicially examined, the same shall in like manner be judicially examined and proceeded in before the said Bishop of Bombay and his successors, or his or their Commissaries aforesaid, and all such causes shall be proceeded in to final sentence in due form of*

**Bishop of Bombay empowered, after death or avoidance of present Registrar, to appoint a Registrar.**

*law. And We do further will and direct that the said Bishop of Bombay and his successors may from time to time, and in all times after the decease, resignation, or other avoidance of the said William Fenwick, appoint a proper and sufficient person to act as Registrar of the said Archdeaconry of Bombay, and in case of no Registrar being so appointed, or the Registrar being unable to act, we will and direct that the said Bishop of Bombay, or his Commissary for the time being within the said Archdeaconry of Bombay, may assume any sufficient person as Actuary to do all acts as Registrar. And further*

**Right of appeal to the Bishop of Calcutta.**

*We will and do by these presents declare and ordain, that if any person against whom a judgment or decree shall be pronounced by the said Bishop of Bombay or his successors, or by his or their Commissaries, shall conceive himself to be aggrieved thereby, it shall be lawful for such person to appeal to the said Bishop of Calcutta or his successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced. And We do further*

**Within fifteen days.**

**Proceedings against any Archdeacon, &c.**

*will, declare, and ordain that, in case any proceedings shall be instituted against any Archdeacon of Bombay, such proceedings shall originate and be carried on before the said Bishop of Bombay and his successors, whom We hereby authorize and direct to take cognizance of the same. And We further will, and do by these presents*

**In case of Archdeacon or other Chaplain shall be deprived, sentence to whom to be certified and transmitted.**

*declare and ordain that, in case any Archdeacon to be appointed as aforesaid, or any Chaplain duly appointed by the Court of Directors of the said East India Company, shall be for any cause whatever deprived of his said office, or suspended therefrom, or inhibited from*

*preaching the word of God, or exercising his Holy Office within the limits of the said Presidency of Bombay, or shall be subjected to any Ecclesiastical punishment or censure whatsoever by the said Bishop of Bombay or by his successors, or by his or their Commissary or Commissaries, a copy of the sentence in such cases promulgated and given, setting forth the causes of such deprivation, suspension, or other Ecclesiastical punishment or censure, shall without delay be certified and transmitted by the said Bishop and his successors, or his or their Commissary or Commissaries, to the Governor of the said Presidency*

**Supreme Court at Bombay to interfere by prohibition, &c.**

*of Bombay. And We further ordain that the Supreme Court of Judicature at Bombay shall have such and the like jurisdiction and power*

of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions, and rules of practice, as is or has been exercised by Our Court of King's Bench at Westminster in regard to proceedings in the Ecclesiastical Courts in England, regard being had nevertheless to any special provisions or exceptions contained in these Our Letters Patent, and to any other laws and regulations specially applicable to or concerning that part of Our territories in the East Indies which is included in the said Presidency of Bombay. Moreover it is Our Royal will, and We do hereby declare and ordain, that nothing in these pre-

Nothing to extend to  
alter Charters of Jus-  
tice, &c.

sents contained, shall extend or be construed to extend to repeal, vary, or alter the provisions of any Charter whereby Ecclesiastical jurisdiction has been given to the said Court of Judicature, so far as the same does not appertain to the correction of Clerks, or the spiritual superintendence of Ecclesiastical persons, or to give to the Bishop of Bombay, or Archdeacon of Bombay for the time being, any authority or jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted. Moreover We will and grant by these presents that the said Bishop of Bombay, shall be a body corporate, and do ordain, make, and constitute him to be a perpetual corporation, and to have perpetual succession, and that he and his successors be for ever hereafter called and known by the name of Bishop of Bombay, and that he and his successors by the name aforesaid shall be able and capable in the law, and have full power, to purchase, have, take, hold, and enjoy such manors, messuages, lands, rents, tenements, annuities, and hereditaments of what nature or kind soever in fee, and in perpetuity, or for term of life or years, and also all manner of goods, chattels, and things personal whatsoever of what nature or value soever, and that he and his successors by and under the said name may prosecute, claim, plead, and be impleaded, defend, and be defended, answer and be answered, in all manner of Courts of Us, Our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real, temporal, and mixed, as well temporal as spiritual, and in all other things, causes, and matters whatsoever, and that the said Bishop of Bombay and his successors shall and may for ever hereafter have and use a corporate seal, and the said seal from time to time at his and their will and pleasure break, change, alter, or make new, as to him or them shall seem expedient. And We do hereby declare, that if We, Our heirs or successors, shall think fit to revoke or recall the appointment of the

Bishop of Bombay to  
be a body, Corporate,  
to be called or known  
by the name of Bi-  
shop of Bombay, with  
power to purchase  
and hold lands, &c.

To have and use a  
Corporate Seal.

said Bishop of Bombay or his successors, or of the Archdeacon of Bombay for the time being, and shall declare such Our pleasure by Letters Patent under Our great seal of Our United Kingdom, then every such Bishop or Archdeacon shall, from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be directed to the Bishop of Bombay or Archdeacon respectively, to all intents and purposes cease to be Bishop of Bombay, or Archdeacon of Bombay, as the case may be. And for removing doubts with respect to the validity of resignation of the said office of Bishop or Archdeacon, it is Our further will that if the said Bishop or any of his successors shall by instrument under his hand and seal delivered to the Bishop of Calcutta for the time being, and to be by him

If His Majesty shall  
think fit to revoke or  
recall the appoint-  
ment, &c.

Resignation of Bi-  
shop or Archdeacon.

accepted and registered, or the Archdeacon of Bombay for the time being, by a like instrument delivered to the Bishop of Bombay for the time being, and by him accepted and registered, resign the office of Bishop of Bombay or Archdeacon as aforesaid, such Bishop or Archdeacon, as the case may be, shall forthwith cease to be Bishop or Archdeacon to all intents and purposes, but without prejudice to any responsibility to which he may be liable in law or equity in respect of his conduct in his said office. And lastly, to the end that all the things aforesaid may be firmly holden and done, We will and grant to the aforesaid Thomas Carr, that he shall have Our Letters Patent under Our great seal of Our United Kingdom duly made and sealed. In Witness whereof we have caused these Our Letters to be made Patent. Witness Ourselv at Westminster, the first day of October, in the seventh year of Our Reign.

By writ of Privy Seal.

(Great Seal.)

EDMUND.

A  
**PRACTICAL ANALYSIS**  
OF THE  
**Several Letters Patent of the Crown,**  
RELATING TO THE  
BISHOPRICKS IN THE EAST INDIES.

## CHAPTER I.

### THE METROPOLITAN SEE AND DIOCESE OF CALCUTTA AND THE SUFFRAGAN BISHOPRICKS.

#### SECTION I.

##### THE METROPOLITAN SEE AND DIOCESE OF CALCUTTA.

*Extracts from the Letters Patent.*

THE preamble of the Letters Patent of the Crown, dated the 2nd of May, 54<sup>th</sup> Geo. III, A. D. 1814,\* sets forth that, "Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of His Majesty's subjects, resident within the Territories under the Government of the United Company of Merchants trading to the East Indies;" and that, "Whereas no sufficient provision hath been made for the supply of persons duly ordained, to officiate as Ministers, and that His Majesty's subjects are deprived of some offices prescribed in the Liturgy and the usage of the Church aforesaid for want of a Bishop."

The same Letters Patent then proceed to state that, "for remedy thereof, His then Majesty was pleased to erect, found, ordain, make, and constitute the said British Territories, in the East Indies, to be a Bishop's See, and to be called the Bishoprick of Calcutta. Moreover, it was thereby

Preamble Letters Patent, 2d May, 1814.  
Page xi

Recites that the Doctrine and Discipline of the Church is professed by a considerable part of His Majesty's subjects in the East Indies.

And that no sufficient Provision made.

For remedy, His Majesty erects and constitutes the British territories in the East Indies to be a Bishop's See.

\* See page xi, ante.

Subject to the Province of Canterbury. “ordained that the said See of Calcutta should be subordinate to the Archiepiscopal See of the Province of Canterbury.”

*Letters Patent, 27 May, A. D. 1823. Page xxiii.* And by the subsequent Letters Patent, dated at Westminster, the 27th of May 1823, 4th Geo. iv,\* it is declared,

For removing doubts, Diocese further extended. for removing all doubts, “that the See and Diocese of the

“Bishop of Calcutta should be extended over the whole of His Majesty’s Territories within the limits of the Charter of the said United Company;” and it was ordained “that the said See of Calcutta should be subordinate to the Archiepiscopal See of the Province of Canterbury.”

The Diocese and See of Calcutta continued thus extended until the year 1835; when on the renewal of the Charter of the East India Company, the whole frame-work of the Episcopal Establishment in India, was altered by the 3d

*and 4th Will. iv, Cap. 85.†*

*Letters Patent, 13th June, 1835. Page xxiv.* Alterations made. The Presidencies of Madras and Bombay were authorized by that act to be made into separate Bishoprics. The preceding Letters Patent of the 2nd May 1814, were in conse-

quence, as regards those Presidencies, revoked or modified by the more recent Letters Patent of the 13th June 1835, 7th Will. iv,‡ and which ordained, that from and after the 10th day of “October then following, the Territo-

*After the 10th Oct 1835, Madras and Ceylon, &c. dissevered from the Diocese of Calcutta.* ries within the limits of the Presidency of Madras, and “also the Territories within the Island of Ceylon, and their respective dependencies, should be dissevered from and

“cease to be parts of the said Diocese and See of Calcutta.” “All and singular the rights, powers, authorities, functions, “and jurisdiction of the said Bishop of Calcutta and his successors in and over the Territories within the Presidency of Madras and Ceylon, and their respective dependencies, were therein revoked, except only such rights, powers, authorities, functions, and jurisdiction as should be thereafter limited or confirmed,” and which are detailed in the course of this Analysis, “and the Bishop of the said See of Calcutta for the time being was thereby ordained to be the Metropolitan Bishop in India.”

*Further alteration, Letters Patent 1st October, 1837. Page xlvi.* And by other Letters Patent, dated at Westminster, the 1st day of October, A. D. 1837, 7th Will. iv,§ “it

“was further ordained that, from and after the 1st day of

\* Page xxiii, ante. † Page vii, ante. ‡ Page xxix, ante. § Page xlvi, ante

“ July then following, the Territories within the limits of the <sup>After the 1st July,  
1833, Bombay to be  
dissevered</sup> Presidency of Bombay should be dissevered from and  
“ cease to be parts of the said Diocese and See of Calcutta”  
And the same Letters Patent did “ revoke all and singular  
“ the powers, authorities, functions, and jurisdiction of the  
“ said Bishop of Calcutta and his successors in and over the  
“ Territories within the Presidency of Bombay, except only  
“ such as should be thereinafter limited or confirmed, and did  
“ ordain that the Bishop of Calcutta should exercise Metro-  
“ political jurisdiction over the same.”

The Bishoprick of Calcutta is now therefore limited and con-  
fined to the Presidencies of Fort William and Agra,\* and the  
Territories and Islands to the Eastward of the Bay of Bengal,  
and other places within the Territories exclusive of Madras,  
Bombay, and Ceylon, but with Metropolitan powers in the  
Bishop thereof over the other Dioceses thus dissevered, the  
respective Bishops of which are declared to be Suffragan to  
him.

<sup>Diocese of Calcutta  
now confined to the  
Presidencies of Fort  
William and Agra  
and the Islands to  
the Eastward</sup>

## SECTION 2.

### THE DIOCESE AND SEE OF MADRAS.

#### *Extracts from the Letters Patent.*

By the Letters Patent, dated 13th of June, A. D. 1835,†  
after reciting the before-mentioned several Letters Patent,  
extracts of which have been already given, His then Majesty  
King William the Fourth was pleased also to ordain and  
declare that “from and after the 10th day of October  
“ then following, the Territories within the limits of the  
“ Presidency of Madras, and the Territories within the Island  
“ of Ceylon, should be erected into a Bishop’s See, and did  
“ thereby erect, found, ordain, make, and constitute the said

<sup>From the 10th Octo-  
ber, 1835, the terri-  
tories of Madras and  
Island of Ceylon  
erected a Bishop’s  
See, to be called the  
Bishoprick of Ma-  
dras.</sup>

\* The strongest reasons are represented as existing in favour of the Presidency of Agra being separated from the Diocese of Calcutta, and made a Suffragan Bishoprick. In that case, and if Ceylon should also be dissevered from Madras and made a Bishoprick, the Church as established in these Territories would be much less incomplete than at present.

† Page xxxvii, ante.

“Territories and the said Island of Ceylon,\* to be a Bishop’s  
 “See, and to be called from thenceforth the Bishoprick of  
 “Madras; the Bishop thereof to be subordinate to and  
 “subject to the Bishop of Calcutta for the time being as his  
 “Metropolitan.”

### SECTION 3.

#### THE DIOCESE AND SEE OF BOMBAY.

##### *Extracts from the Letters Patent.*

From the 1st July,  
 1828, the territories of  
 Bombay erected the  
 Bishoprick of Bom-  
 bay.

By the Letters Patent of the 1st day of October, A. D.  
 1837,† His late Majesty William the Fourth was pleased  
 also to ordain and declare that, “from and after the 1st day  
 “of July then following, the Territories within the limits  
 “of the Presidency of Bombay should be erected into a  
 “Bishop’s See, and did thereby erect, found, ordain, make,  
 “and constitute the said Territories to be a Bishop’s See, and  
 “to be called from thenceforth the Bishoprick of Bombay,  
 “the Bishop thereof to be in like manner Suffragan to the  
 “Bishop of Calcutta for the time being.”

### SECTION 4.

#### OF THE SEES AND DIOCESES IN ENGLAND GENERALLY.

After giving the foregoing Extracts relating to the Metropolitan and two Suffragan Bishopricks in India, we now proceed to notice what is observed and laid down concerning English Bishopricks in general.

English Realm how  
 divided.

The British Realm is laid down to have two sorts of divisions, one into Shires or Counties in respect of the temporal

\* It is intended to create a Bishop of Ceylon, and to dissever this portion of that Diocese, and make it one of the Suffragan Bishopricks of India, as soon as it is possible.

† Page iv, *ante*.

*state, and another into Dioceses in regard to the Ecclesiastical state,* 1 Inst. 94. And at this day the Ecclesiastical state is also divided into two Provinces, or Archbishopricks; to wit, Canterbury and York. Each Archbishop hath within his Province Bishops of several Dioceses. *Wood's Inst.* 2.

With respect to the original meaning and origin of Cathedrals or Sees, <sup>Sees or Cathedrals, origin of.</sup> the following particulars are given:—

After the conversion of Constantine the Emperor, the other Converts in those days, and in the following times, who were many of them Governors and Nobles, settled great and large demesne lands on those who converted them, and the first oratories or places of public worship are said to have been built on those lands; which first oratories were called “*Cathedrales Sedes,*” Cathedrals or Seats, from the Clergy’s constant residence therein. *God. 347. Burn Vol. I, page 275.*

The Cathedral is the See of the Bishop, and cannot be conveyed to another without his consent. *Dean and Chapter of Norwich's Case, 2nd And. 168.* The King by his Patent may create a Church, “*et ambitum ecclesiae,*” a Cathedral. *Hayward v. Fulcher, Jones, 166.*

The Sees of Bishops ought regularly to be fixed in such Towns only as are noted and populous; and, by the Canon Law, at what extent, or how populous soever the Diocese or jurisdiction of a Bishop might be, it was most agreeable to the Episcopal dignity to place the See or Cathedral Church, in some large and considerable Town. *Gibs. 171.*

And every Town, which hath a See of a Bishop placed in it, is thereby entitled to the honor of a city. *Gibs. 171.*

The Cathedral is the family Church of the whole Diocese, *Gibs. Cod. 171.*

In all Cathedrals the Communion shall be administered on principal feast days. *Can. 24.*

Every See or Cathedral (as such) is exempt from Archidiaconal jurisdiction. *Gibs. 171.*

The word Diocese, (*Diocesis,*) signifies the circuit of every Bishop's jurisdiction, 1st Inst. 94, which is to be determined by witnesses and records, and more particularly by the administration of Divine Offices. *Gibs. 133.* <sup>Dioceses, Signification of.</sup>

**SECTION 5.****OF THE SEES OF CALCUTTA, MADRAS, AND BOMBAY.**

Cathedral of the Bishop of Calcutta.

Having in the last Section stated the foregoing general particulars, it may be now mentioned, that from the foundation of the first Diocese in India, the Bishops of Calcutta have continued to have their seat, (*Cathedra*), and have been regularly installed in St. John's Church, as the principal Ecclesiastical edifice in the City of Calcutta, which church has always hitherto been, in consequence, considered, and is called, the Cathedral of Calcutta.

The new Edifice.

A new and more appropriate building, intended to be the Metropolitan Church, is however at this date in course of building in that Metropolis, to which, when completed, it is intended to remove the Bishop's chair. The foundation stone of this Church was laid as the future Cathedral of St. Paul's, Calcutta, on the 8th day of October 1839, by its first Metropolitan, to whom the intended Establishment owes its origin. When completed, which is expected to be the case in 1845, it is to be consecrated as Saint Paul's Cathedral.\*

\* Towards this building, the Court of Directors have granted £15,000 and the valuable piece of ground on which it is built, permitting also their Engineer Officer to draw the designs and to superintend the erection. They have also appointed two additional Chaplains for performing Divine Service therein when finished. But to these grants on the part of the Court, the following conditions were attached; namely, that the Government should be considered as having no connection as a Government with the benevolent and Missionary objects which the Bishop had in view, and that a fund should be reserved from the subscriptions for the support of the Cathedral establishment.

The value of the whole aid of the Honorable Court cannot, as is estimated, be put at less than 5 Lacs of Company's Rupees.

In addition to these contributions towards this Church, the Incorporated Society for the Propagation of the Gospel in Foreign Parts have determined to found a Canonry therein, to be held by a Native Priest, and have given nearly half a Lac of Rupees for that purpose.

The Society for Promoting Christian Knowledge have voted also £1000 a year for five years, for the edifice and endowments.

The high sanction of His Grace the Archbishop of Canterbury has been also vouchsafed to the design, through whom and the Bishop of London, a subscription of upwards of £3600 has been raised in England towards its completion. The Bishop of Calcutta has given two Lacs, one for the Building, the other towards the Endowment.

Very considerable sums have likewise been contributed to the same, and are yet being subscribed, throughout India, the funds being still very far short of the whole amount thought necessary for its entire establishment; out of the ten Lacs required for the moderate settlement of the Cathedral, five are represented as still wanting.

*The following extract may be given from a lately printed Report concerning this Church, as being entirely applicable to the Cathedrals in these Dioceses.*

“A Cathedral is held to be a Church in which the official Seat or “*Cathedra*” of the Bishop is placed. Such Churches with their endowments seem originally to have been founded from monies or lands devised by pious persons for enabling the Bishop to erect a Principal Church for his Diocese, and to maintain a body of Clergy around his person, whom he might send out to preach the Gospel, administer Holy Sacraments, and found Missions in dark spots as opportunity offered. The Cathedral with its Bishop and Clergy thus became the centre or Mother Church of the Diocese ; it gave a local habitation and name to Christianity ; and incorporated and fixed it in the soil as a part of the permanent institutions of the country.”\*

The Bishop of Madras has his seat in St. George’s Church, Cathedral of the Bishop of Madras. as being the principal Church in the city of Madras, and which is now the Cathedral of that Diocese. This Edifice is a very elegant Church, and remarkably well placed.

The Bishop of Bombay is installed in St. Thomas’s Church, Cathedral of the Bishop of Bombay. a handsome structure, and which is at present the Cathedral of that Diocese.

## SECTION 6.

### OF THE ARCHDEACONRIES IN THE EAST INDIES.

*The different Letters Patent concerning, and other particulars.*

The Letters Patent of the 2nd of May, A. D. 1814,† (now in part revoked,) creating first the See and Diocese of Calcutta, then proceed to constitute “one Archdeaconry in and “over the Presidency of Fort William in Bengal, to be styled “the Archdeaconry of Calcutta ; one other Archdeaconry in

Letters Patent of the 2d May 1814, concerning Archdeaconries of Calcutta, Madras, and Bombay.

\* It is intended to have the daily and other Services in the Church in question, when ready, as directed by the Rubries,—weekly Sacraments on the Lord’s Day and on Festivals; and to approximate it, as near as possible, to the Cathedral establishments in the Dioceses at home.

† Page xi, ante.

“ and over the Presidency of Fort St. George, on the Coast  
 “ of Coromandel, to be styled the Archdeaconry of Madras ;  
 “ and also one other Archdeaconry in and over the Presiden-  
 “ cy of the Island of Bombay ; and declare the same Arch-  
 “ deaconries to be subordinate to the Bishops of Calcutta.”

Archdeaconry of Co-  
lombo.

By the Letters Patent of the 7th of September A. D. 1817,\* “ one other Archdeaconry within the British Ter-  
 ritories in the East Indies, that is to say, at Colombo in  
 “ the Island of Ceylon, to be styled the Archdeaconry of  
 “ Colombo,” was created by the Crown, and declared to be  
 “ also subject during the Royal pleasure to the Bishop of  
 “ Calcutta for the time being.”

Letters Patent, 13th  
 June, 1835, as to the  
 Archdeaconries of  
 Madras and Colombo.

Under the alterations already alluded to, it was declared by the more recent Letters Patent, dated the 13th June A. D. 1835,† constituting the See and Diocese of Madras, “ that the Archdeaconry of Madras, and the Archdeaconry of Colombo, and the respective Archdeaconries hereof, should after the 10th of October 1837” cease to be primarily subject and subordinate to the See of Calcutta, and should become, and in all times thereafter continue to be primarily subject and subordinate to the See of Madras.”

Letters Patent, 1st  
 October, 1837, as to  
 the Archdeaconry of  
 Bombay.

And by the Letters Patent of the 1st of October A. D. 1837,‡ constituting the See and Diocese of Bombay, it was also declared in the same manner, “ that the Archdeaconry of Bombay should, from the 1st of July A. D. 1838, cease to be primarily subject to and subordinate to the See of Calcutta, and should be subject and subordinate to the Bishop of Bombay.”

Archdeaconries not  
 further divided.

None of these Indian Archdeaconries are subdivided into districts, Ecclesiastically, as the Archdeaconries in England, nor do they contain any Parochial divisions for the better and regular superintendence and discharge of the duties of the Clergy, unless, indeed, at the three Presidencies, at which what resembles as nearly as possible Parochial Districts has been laid down.

The stations in them.

They possess only what in India are called Stations, at which either the Civilians officially employed and appointed thereto reside, and with their families form the principal residents and the congregation; or the Military exclusively

\* Page xix, *ante.*      † Page xxxvii, *ante.*      ‡ Page lv, *ante.*

compose the Station. Some of them contain a very considerable body of Christians professing the doctrine and discipline of the Church of England. Most of these Stations have at this date, one or more Churches. To these Churches and Stations the Chaplains in the Service of the Company are appointed by the local Governments, which nominate them at the recommendation of the Bishops, by whom they are duly licensed to officiate thereat accordingly.

These Stations, with reference to the Clergy, are, as already observed, undefined as to boundaries. Bishop Middleton on this subject remarks that “the limits of a Station may not indeed in every case be capable of being defined, with all the exactness incident to Parochial divisions in England, but they should evidently be interpreted for Ecclesiastical purposes in the same sense in which they are understood on other occasions.” The misconception to be obviated is, that a Station may be taken to comprise a tract of country of wide and indefinite extent, through which a Chaplain may travel at the call of individuals without any absolute defilection of his charge. Without wishing,” continues Bishop Middleton in his circular letter to the Clergy, “to circumscribe the sphere of your duties, I must remind you that no Station should on any account be left without the performance of the appointed service on the Lord’s Day, or other days of solemn observance; nor even during any portion of the week, unless there be strong reason to conclude, (which supposes the Station to be a small one,) that no ministrations of any kind will be called for in the interval; even then, the conclusion will be hazardous; but at Military Stations where, independently of other calls, the Chaplain is required to visit the Hospitals twice in every week, and Funerals are frequent, it is difficult to understand how the shortest absence can be unaccompanied with some neglect of duty. It is true, that in the case of a contemplated marriage within his supposed circuit, persons residing at a great distance from the Station itself will be put to considerable inconvenience. In the present paucity of Chaplains on this Establishment, many evils must be endured. I cannot, however, consent that, in the remedy of one inconvenience, a still greater shall be created; and it is not rea-

Bishop Middleton's  
remarks.

“ sonable any more than it is expedient, that the claims of  
 “ individuals, with whom you may have no connexion, should  
 “ interfere with the rights of a body of Christians committed  
 “ to your especial charge. The parties interested should  
 “ rather attend at the Station itself, and this would probably  
 “ soon become the general practice if there were no alter-  
 “ native.”—*Bishop Middleton's Circular Letter, 24th July, 1821, Registrar's Office.*

To some of the larger Stations it has been since found necessary to appoint more than one Chaplain; and, where this is the case, it is now usual to license the Chaplains to one or more additional Stations in connexion with the principal one, so that the latter is seldom left without a resident Minister, and this is also sometimes done, even when there is but one Chaplain.

There are also numerous Missionary Stations in all the Archdeaconries under the superintendence of the Episcopate, many of which stations possess regular built Churches. To these Churches and places Ministers are now licensed to officiate as Missionaries; but with any such Establishments the Governments of India abstain from interfering: nor are the Missionary Clergy paid, or otherwise supported, in any manner by the State.\*

It cannot perhaps be expected in the early introduction of these Dioceses, that any subdivision of these Archdeaconries should be laid down agreeably to the external polity of the Church of England; but at the chief Stations at which two or more Churches are already permanently established, some public advantages, independently of the better Government of the Clergy, might probably arise from such divisions. Parishes are held to have been instituted for the ease and benefit of the people. If Churches are assigned to the use of the inhabitants of a particular locality and have also a Cemetery attached, they would be found not only more conveniently to accommodate the Laity, but instruction and piety would be the better promoted; the Poor also, and the Sick, would be the more easily ascertained and visited; Local

\* In the Appendix E, a very interesting account is added of some of these Stations in India, attached to the Principal Missionary Establishment of Bishop's College, which is given as being so immediately in connection with the Episcopate.

Charities and Schools more effectually established and superintended ; and the Clergy become thus more closely identified with those placed under their immediate charge.

With reference to such Ecclesiastical objects, and to the duties of the Clergy, Bishop James on his arrival in India, proceeded, with the sanction of the Supreme Government, to divide Calcutta into four Parochial divisions, namely ; the Cathedral District ; the Old Church District ; Saint James' District ; and the District of Fort William.

These Divisions were laid down and defined in the *Government Gazette* of the 3d April, 1828.\*

Seven years afterwards, these Parochial Divisions were again recognized and confirmed by the Supreme Government in communication with Bishop Wilson, as published in the *Gazette* of the 8th July, 1835. The future duties and emoluments of the respective Clergy of such districts, were from that date separately assigned to each Chaplain under the Rules laid down, and publicly declared.†

In St. John's district, besides Saint John's Church, (the present Cathedral,) an additional Church has been since

\* Vide Appendix D.

† The following were the Orders and Regulations passed by the Government on the last occasion.—

No. 21.—Fort William, Ecclesiastical Department, the 8th July, 1835. Notice is hereby given, that the Ecclesiastical Duties of the Parochial Districts of Calcutta, according to the limits defined and published in the *Government Gazette* of the 3rd of April 1828, from and after the 1st of January 1836, will be discharged by the Chaplains of the respective Parishes, and that the following Rules have been sanctioned in communication with the Right Reverend the Lord Bishop, and with the authority of the Hon'ble the Governor General of India in Council, for giving effect to this arrangement.—

I. All persons residing within the Parochial Districts respectively as laid down in the year 1828, under the sanction of the Supreme Government, will apply, when they require the performance of any Ecclesiastical Offices, to the Officiating Clergy of their Districts.

II. The Officiating Clergy of each District will celebrate Marriages, whether by License or by Banns, in any of the District Churches of Calcutta, the name of the Church being specified in the body of the License, where the Marriage is by License ; and, where the Marriage is by Banns, the Banns being duly asked in the District Church or Churches where the parties reside.

III. Burials will be performed by the Clergymen of the District where the Deceased resided, either in the Burial Ground heretofore known as the Cathedral Ground, which is to be common to all the Districts, or in separate Grounds attached to the several Churches, when such shall be obtained.

IV. In like manner, the administration of Baptism, Churching of Women, and Visitation of the Sick, will be performed by each Chaplain in his own Parochial District.

*built, namely, Saint Thomas' Church, at the Institution known as the Free School.* In the Old Church district, a plain and substantial Church in Cornwallis Square has also been added in connection with the Old or Mission Church. *Saint James' Church, and Saint Peter's in Fort William are the other Churches more recently built.*

In addition to these Edifices in Calcutta, *Saint Thomas' Church at Howrah has been erected within the last few years.*

**Number of Churches.**—The whole number of Episcopal Churches in the above city and its suburbs, amount at this date, including the Collegiate Chapel at Bishop's College, to seven; and with the consecrated Native Church of Mirzapore, and the Chapel at the Military Orphan Schools at Kidderpore, (where a regular Church is much wanted for those Institutions and the surrounding neighbourhood,) amount to nine Protestant places of public worship; these with the new Cathedral when completed, will comprise ten in number, independently of the

V. All Fees and Gratuities for the performance of Ecclesiastical Offices in all the Districts shall be paid monthly, as realized, to the present Chaplains of the Cathedral, during the whole period of their respective incumbency. But on the departure for Europe, removal from the Presidency, or death of either of them, the half part only of the Fees shall be paid to the remaining Chaplain, the other half being paid to the Officiating Clergyman; and, on the removal of the second and remaining Cathedral Chaplain, the whole of the Fees shall be paid to the Officiating Clergyman; the new Chaplain or Chaplains of the Cathedral receiving thenceforth only the Fees arising from the performance of the duties of their own District, like the other Clergy.

VI. The Vestry Clerk will collect all the Fees paid on account of Funerals as at present, and pay the money monthly to the two Reverend Chaplains of the Cathedral so long as the present Chaplains continue there; and one-half, when there is only one, the other half going to the Officiating Clergyman; and, finally, he will pay the whole to the several Clergymen who officiate, whoever they may be.

VII. The Fees of the present Vestry Clerk will be reserved to him without diminution during his continuance in his Office; but, after his removal, they will go to the respective Clerks of the Districts where the duties occur.

VIII. If any occasional interruptions occur, where there are two Chaplains to a District Church, to their performance of the Ecclesiastical Offices by alternate weeks, in consequence of individuals inclining more to one Chaplain than to the other, from friendship, ties of consanguinity, or other cause, the regular Clergyman of the week is on such occasions to give way and to expect no account from his Colleague of the Fees connected with such special calls, excepting in the case of Burials. Or, if interruptions occur from the absence of one of the Chaplains, whether that absence be from necessity or from choice, the Officiating Clergyman is to receive the Fees.

*many Native Missionary Chapels of the Establishment gradually increasing around.\**

Whilst Calcutta has been Ecclesiastically divided as above into districts in reference to the duties of the Clergy merely, it is to be hoped that further improvements, confining the Laity more to their respective Churches, will be gradually introduced. Those who reside in particular districts, should undoubtedly possess for the time, a prior claim to seats in the Church assigned, over strangers, or those of a different locality.

## SECTION 7.

### OF THE NUMERICAL STRENGTH OF THE CLERGY IN THE DIOCESES OF INDIA.

In the Metropolitan Diocese of Calcutta itself, the numerical strength of the Clergy amounts at present, to<sup>o</sup> fifty-three Chaplains; of this number, thirty-two are termed Assistant Chaplains; and of the remainder, seventeen are full Chaplains, besides the two Seniors, who have larger allowances.<sup>†</sup>

The other Clergy, amounting to about fifty, are those chiefly who are supported in their appointments either by the Home Societies, namely, the Incorporated Society for the Propagation of the Gospel in Foreign Parts, in connexion with the institution of Bishop's College, and the Church Missionary Society, or by others; the whole number in the Diocese is about one hundred.

In the Diocese of Madras, the number consists, exclusive of the Bishop and two Archdeacons, as follows; in the Archdeaconry of Madras, of twenty-eight Chaplains and about fifty other licensed Clergy; and in the Archdeaconry of Colombo, of five Chaplains, and about fifteen other licensed Clergy. In all about one hundred regular Clergy.

In the Diocese of Bombay, besides the Bishop and Archdeacon, the strength consists of twenty-two Chaplains, and about ten other Clergy licensed.

Bombay.

\* Two additional Churches are contemplated, the one near Kidderpore Bridge, the other in Entally. These will raise the number of Calcutta Sacred Edifices to 12.

† The two Chaplains at the Straits receive, as the Author is informed, the salary of full Chaplains.

*In the three Dioceses the whole numerical strength is more than two hundred and thirty, and is rapidly increasing.*

*Still inadequate.* The great increase of these several establishments speaks highly for what has been done for Christianity in these distant territories; but notwithstanding the very liberal and increased supply, both of Chaplains and other Ministers, many places in such vast jurisdictions, and where even the regular stations undergo constant alterations and are liable to be changed, must unavoidably continue at times without any regular provision. The want of an adequate number of Ministers for the performance of Divine offices is frequently deeply felt, and many districts in the interior, continue almost entirely deprived of the aid and consolation of Religion. This has been powerfully represented, and urged in all the successive charges of Bishop Wilson, as well as those of the Bishöps of Madras and Bombay.\*

It is no part of the objects of a practical legal work of this kind to give further details, or even to allude thus to the wants of those professing the doctrine and discipline of the Church of England, subjects of Her Majesty in this country, particularly after so much has been done, and which is gratefully acknowledged; but nevertheless, the subject may be thus casually mentioned, as the allusion may assist in attracting the attention of the Public Authorities to the incompleteness, and inadequacy, in many parts, of the English Episcopal Church, planted in British India.†

\* It has been mentioned to the author, on the best authority, with the view to its being here stated, that in the Diocese of Calcutta there have been sometimes not more than 23 Chaplains out of 45, in health for labor. That to bring out 53 Chaplains at work, the Bengal Establishment should consist of 75 or 80; and so to bring out 28 in Madras and 22 in Bombay, these Establishments should consist of 40 and 35, i.e. 150 Chaplains instead of about 100.

† It was under the feeling of this want in the Diocese of Calcutta, that the Diocesan Additional Clergy Society was sometime since established at Calcutta. This Society continues to be very strongly supported under the influence and assistance of the present Metropolitan. The object in view is to create a fund for the support of a Ministry to be raised in this country to supply the spiritual destitution of the stations which have no resident Clergyman. One Minister has already been ordained and licensed by the Bishop, under a title from this Society, and every prospect is held out of its becoming a most useful and important institution in this particular.

*The following Rules are laid down.*

1st. That the name of the Society be the Calcutta Diocesan Additional Clergy Society.

## SECTION 8.

**TABLES OF STATIONS AND CHURCHES IN THE DIFFERENT ARCHDEACONRIES OF THE INDIAN BISHOPRICKS.**

The following Tables will exhibit the number and names of the stations or places in each of the four Archdeaconries of Calcutta, Madras, Bombay and Colombo, at which Churches have been built and the Clergy licensed to officiate; and at the same time afford some useful and necessary particulars

2d. That the Officers conducting its affairs be,

**President.**—The Right Rev. the Lord Bishop.

**Committee.** { The Ven'ble the Archdeacon of Calcutta,  
The Principal of Bishop's College,  
The Rev. Clergy resident in and near  
Calcutta,  
Five Lay Gentlemen, of the Church, Members of the Society,

*Ex-officio.*

**Secretary.**—Rev. H. S. Fisher, M. A.

**Treasurer.**—Bank of Bengal.

3d. That the Clergy in the Mofussil be requested to become Corresponding Members of the Committee; and that the Committee be empowered to add also to the number of corresponding Members, Lay Gentlemen, Members of the Church of England, at their discretion.

4th. That the subscriptions be not limited, but the smallest be thankfully received, and that Subscribers of Five Rupees a month and upwards, being members of the Church of England, be entitled to vote at all meetings of the Society.

5th. That all subscriptions raised for the Society, be transmitted by the Corresponding Members direct to the Secretary in Calcutta.

6th. That, before an application for a Clergyman be complied with, the Station be required to build or purchase for him a suitable residence, and to keep it in repair so long as he is retained at the Station. The House to be made over, in trust, to the Bishop and Archdeacon of Calcutta, for the benefit of the Society, which, in return, shall guarantee to provide Funds for the Clergyman's support at the Station for five years at the least.

7th. That, at the expiration of this period, if the Clergyman's services be no longer required at the Station, it shall be competent for the Trustees above-mentioned, to let or sell the House, as may appear to them most advantageous to the Society.

8th. That, in addition to a residence thus provided, the stipend of the Clergyman be not less than Co's. Rs. 250 a month.

9th. That, with a view to give stability to the Society, at least one-half of all the monies received, in whatever way, be funded in Government Securities, in the names of the Bishop and Archdeacon of Calcutta, for the benefit of the Society.

10th. That the Committee meet monthly for the despatch of business.

11th. That a Report be presented to the Subscribers, with a Statement of the Accounts, at a General Meeting held from time to time, as circumstances may make it desirable.

12th. That the Committee have power to make such subordinate regulations and bye-laws as they shall deem necessary, provided they be not at variance with the fundamental rules of the Society.

13th. That none of the fundamental rules of the Society be repealed or altered, nor any new ones established, but at the General Meeting of Members, or at a Special General Meeting called for that purpose, by a requisition addressed to the President by any number of Members not less than five.

The invested property of the Society amounts to nearly 25,000 Rs. although it was established so recently as September 6, 1841.

relating to the Edifices, wherein Divine Service is regularly celebrated.

1844.

*Episcopal Churches and Chapels, and Places appropriated or Episcopally sanctioned, at which Divine Service is regularly celebrated, in the Dioceses in the East Indies.*

N. B.—To the Government Churches and Stations, the regular Chaplains of the Company stand appointed by the Government, and are licensed to officiate by the Bishop. To such of the Churches as are the property of Individuals or of Societies, the Missionaries and other Clergy stand appointed, and are licensed by the Episcopate.

*Diocese of Calcutta.—Archdeaconry of Calcutta.*

City of Calcutta, &c.	Name of the Church.	Accesoion for Second-hand Books.	Cupola Spire.	Both	All	All	All	All	Unfinished, &c.	Bp. Wilson, Court of Funds of the Cathedral.
Ditto, ....	St. John's (Old Cathedral,) ...	900	Spire	both	All	All	All	All	Consecrated,	... Directors and Public contribution, ...
Ditto, ...	St. James, ...	430	Cupola	Bell	All	All	All	All	Consecrated by Government, ...	Govt. and Public Government, ...
Ditto, ...	St. Peter's, Fort William, ...	650	Four turrets	{ Bell	All	All	All	All	Consecrated by Bishop Heber, Bishop James,	Subscribers, ...
Ditto, ...	St. Thomas, Free School, ...	785	Spire	Bell	All	All	All	All	Consecrated by Bishop James,	Ditto, ...
Ditto, ...	Old, or Mission Church,	600	Spire	Bell	All	All	All	All	Ditto, by Bishop Wilson,	Ditto, ...
										Free School Funds. Free School Funds.

Ditto.	Christ Church,	300	Tower,	Bell	All	All	Consecrated by Bishop Wilson, Ch. M. S. & Subsrs.	Evangelical Fund,	Evangelical Fund.
Ditto,	Trinity,	250	Spire	Bell	...	...	Ditto,	Ch. M. Soc.	
Ditto,	St. Saviour's,	250	...	...	...	...	...	Subscribers,	
Agra Canton-	St. George,	800	Spire	...	All	All	...	Government,	... Government.
ments,	...	...	...	...	...	...	Ditto,	...	...
Agra Civil Lines,	St. Paul,	130	Belfry	Bell	All	All	Ditto,	By Subscription,	Congregation and produce of Sit- tings.
Agra, Secundra,	St. John,	400	Tower	...	All	All	...	Ditto,	C. M. Soc.
Agurpara,	Christ Church,	500	Do.	Bell	All	All	...	Ditto,	Ditto.
Alahabad,	Trinity,	200	Spire	...	All	All	Ditto,	Ditto,	Government.
Ally Ghur,	Christ Church,	40	Spare	...	All	All	Ditto,	Ditto,	Ditto.
Almora,	St. Mark,	612	Belfry	...	All	All	Ditto,	Ditto,	Ditto.
Arracan,	Trinity,	180	Belfry	Bell	All	All	...	By Subscription,	
Azim Ghur,	Chapel,	150	...	...	All	All	...	Government and Subscribers,	
Barrackpoor,	Christ Church,	900	Tower	...	...	...	Ditto,	...	Government.
Bareilly,	...	100	Spare	both	All	All	...	...S. P. G. and Subsrs.	S. P. G. F. P.
Barripoor,	St. Peter,	...	...	...	...	...	...	Consecrated by Govt.	Government.
Benares,	St. Mary,	...	...	...	...	...	...	Bishop Illeber,	
Ditto,	Chapel,	...	80	...	...	...	...	...	
Bherampoor,	...	...	...	...	...	...	...	...	
Bhaugulipoor,	Church in pro-	100	...	...	No End.	All	Consecrated by Bp. Middleton. Two Societies P.G.F.P. and P.C.K., and Bp. James, ...		
	[gress]								
<b>Bishop's</b>	<b>College,</b>	<b>100</b>	<b>...</b>	<b>...</b>					
Burdwan,	St. Peter's Chal-	800	Tower	Bell	All	All	Consecrated by Subscribers and C.B.	Government.	
Buxar,	...	...	...	...	All	All	Bishop Wilson, Fund, ...	...	
Cawnpoor,	Christ Church,	1000	...	...	All	All	Ditto, Government, ...	...	Government.
Ditto,	St. John,	...	...	...	...	...	...	...	

1344.

*Episcopal Churches and Chapels, and Places appropriated or Episcopally sanctioned, at which Divine Service is regularly celebrated, in the Dioceses in the East Indies.*

Diverse of Calcutta.—Archaeology of Calcutta.—(Continued.)

At what Place, Station or Dis- trict.	Name of the Church.	Accommodation for Cupola or Spire.	If any Clock.	Cupola or Spire.	If Consecrated, and by whom	At whose expense erected.	How sustained and whom to be repaired.
Chinaurab, Chittagong,	... Christ Church,	650 Tower	Bell	All	All	... ...	... Government, ... Government.
	... Christ Church,	100 Tower	Bell	...	...	... ...	... Do. Subscribers and ...
Chunar, Chaura,	Trinity,	300 Tower	Bell	...	...	... ...	... C. B. Fund. ...
Kishnaghur,	Christ Church,	150 Tower	...	...	...	... ...	Ditto. C. M. Soc.
Cuttack,	... St. Thomas, ...	100 Tower	both	All	All	... ...	Ditto.
Dacca,	... St. James, ...	150 Dome	...	All	All	... ...	Ditto.
Darjeeling, Delhi,	Church in pro- ... St. James,	600 Spire	Bell	All	All	Consecrated by Col. Skinner, c. b.	Ditto.
		710 Cupola	Bell	All	All	Bishop Wilson, ...	
Dinapoor,	St. Luke,	300 Spire	...	All	All	Ditto, ...	Ditto.
Dum-Dum,	St. Stephen,	710 Spire	...	All	All	Do by Bp. Heber, ...	Ditto.
Futteh Ghur,	Christ Church,	300 Spire	...	All	All	Ditto by Bishop Wilson, ...	Ditto.



1844.

*Episcopal Churches and Chapels, and Places appropriated or Episcopally sanctioned, at which Divine Service is regularly celebrated in the Dioceses in the East Indies.*

*Diocese of Calcutta.—Archdeaconry of Calcutta.—(Continued.)*

*Diocese of Madras.\*—Archdeaconry of Madras.*

City of Madras,	St. George's Cathedral,	Spire	Both	All	All	Consecrated by (Bp. Middleton, ...)	Government and Subscribers, ...	Government,
Ditto,	{ St. Mary's Church, ...}	...	...	...	...	...	...	...
Ditto,	{ Chapel in the Mount, ... }	...	...	...	...	...	...	...
Bangalore,	...	...	...	...	...	...	...	...
St. Thomas's	...	...	...	...	...	...	...	...
Arcot,	... St. Mary, Cuddalore,	...	...	...	...	...	...	...
Cannanore,	...	...	...	...	...	...	...	...
Trichinopoly.	St. John,	...	...	...	...	...	...	...
Palamcottai,	...	...	...	...	...	...	...	...
Quilon,	...	...	...	...	...	...	...	...
Tellicherry,	... Chapel,	...	...	...	...	...	...	...
Vizagapatam,	...	...	...	...	...	...	...	...
Bellary,	...	...	...	...	...	...	...	...
Secunderabad,	... St. John,	...	...	...	...	...	...	...
Tanjore,	...	...	...	...	...	...	...	...
Masulipatam,	St. John,	...	...	...	...	...	...	...

\* The Author regrets to give more particulars as to the Churches now at Madras and Colombo, than what were given in the former edition in 1826. He applied for a regular list, expressly for this edition, and then promised, none has arrived in time to be inserted. It is believed, however, that the whole number of Churches in the Archdeaconry of Madras, amounts, at this date, to upwards of sixty, the greater portion of which have been built by the S. P. G. F. P. in the last few years.

1844.

*Episcopal Churches and Chapels, and Places appropriated or Episcopally sanctioned, at which Divine Service is regularly Celebrated in the Dioceses in the East Indies.*

*Archaeometry of Madras,--(Continued.)*

At what Place, Station or District,	Name of the Church.	If Consecrated, and by whom.	At whose ex pense erected.	How sustained, and by whom to be repaired.
Masulipatam,	St. Mary, ...	Consecrated by, { Bp. Middleton, ...	... Government, ...	Government.
Poornamalee, {	St. Mary Mag- dalen, ...	Consecrated by, { Bp. Middleton, ...	... Government, ...	Government.
Ootacamund, ...	St. Stephens, ...			
Mangalore, ...	... ...			
Jaunah, ...	... ...			
Vepery, ...	Church, ...			
Kamptee, ...	Chapel, ...			
Colombo, ...	St. Peter, ...	... ...	... ...	Ditto.
The Pettah, ...	St. Paul, ...	... ...	... ...	Ditto.
Ditto, ...	St. Thomas, ...	... ...	... ...	Ditto.
Morotto, ...	... ...	... ...	... ...	Ditto.
Ch illaw, ...	St. James, ...	... ...	... ...	Ditto.
Trincomalee, ...	... ...	... ...	... ...	Ditto.
Galle, ...	... ...	... ...	... ...	Ditto.
Kandy, ...	... ...	... ...	... ...	Ditto.
Jaffna, ...	... ...	... ...	... ...	Ditto.
Baddagamma, ...	... ...	... ...	... ...	Ditto.
Cotta, ...	... ...	... ...	... ...	Ditto.
All	All	All	All	C. M. Soc. and Sub- scribers, ...
Tower	Bell			Bishop Heber, ...
Christ Church,	300			C. M. Soc. ...

*Dioceſe of Bombay.—Archdeaconry of Bombay.*

<b>St. Thomas, Cathedral,</b>	800	Tower Both	All	All	Consecrated by Government and Bp. Middleton, Subscribers, Consecrated, ... Government.	Govt. and Produce of Sittings. Government.
Poonah,	600	Spire Bell	All	All	Do. with Contribution from C.B.F.	Ditto.
Kirkee,	... St. Mary,	... 600	Bell	All	Do. with Contribution from C.B.F.	Ditto.
Ahmednugur,	... Christ Church,	600	... 300	All	Ditto,	Ditto.
Sholapoor,	Ditto,	300	... 200	All	Ditto,	Ditto.
Belgaum	... Christ Church & Church Bunga- low in Camp,	... 200	... 100	All	Ditto,	Ditto.
Malcolm Peth,	... Christ Church,	200	Belfry Bell	All	Not Consecrated, ...	Ditto.
Dapooile,	Ditto,	100	Tower Bell	All	Consecrated, ...	Ditto.
Sattara,	Building appro- priated,	50	... 50	Desk	Not consecrated, Government,	Ditto.
Surat,	... Christ Church,	300	Cupola Bell	All	Do. with Government,	Ditto.
Baroda,	... Trinity,	150	Belfry Bell	All	Ditto,	Ditto.
Kairia,	... St. George,	800	Cupola Bell	No Commu- nion Table	Ditto,	Ditto.
Byculla,	... Christ Church,	800	Tower both	All	Ditto,	... By Shares and Govt. { Govt. and Pro- duce of Sittings.
Tannah,	... St. James,	... 300	Cupola Bell	All { Desk & Pulpit in one	Ditto,	... Government, Government.
Whow, Sonapoore,	... Christ Church, Trinity Chapel,	300	... 300	All	Ditto,	Ditto.
				All	Ditto,	... By Private Funds in By Funds received from S.P.G. from Congregation

The number of consecrated Churches or Chapels detailed in the foregoing Tables, remains yet inadequate in the respective Dioceses. The infancy of the Episcopal Establishments in India must still however be borne in mind. There are many stations possessing no regular built Church. But, as the Clergy increase in number and usefulness, it is humbly hoped that such edifices will proportionably be augmented, and the visible proofs of a Christian feeling, in every important place, shew itself, throughout the whole of the English Dioceses in Asia.\*

\* Since the former edition of this Book, in 1828, no less than thirty-one new Churches have been completed in the Archdeaconry of Calcutta alone; of which number twenty-eight are represented in the last Report of the Church Building Fund to have been consecrated by Bishop Wilson. Many others are in course of building. This great increase in the number of Churches in the Diocese of Calcutta has been mainly owing to the Church Building Fund, established at Calcutta in 1834, over which very useful Institution the present Bishop presides. This Society is of increasing importance in the respect alluded to. The following are the present Trustees of the Fund, and the Rules are added by desire:—

<i>Trustees.</i> . . . {	THE LORD BISHOP OF CALCUTTA,	{	<i>Ex-Officio.</i>
	THE VENERABLE ARCHDEACON,		
	THE CATHEDRAL CHAPLAINS,		
	THE HONOURABLE W. W. BIRD, <i>Deputy Governor of Bengal,</i>	{	<i>Elected.</i>
J. H. D'OLY, Esq. C. S.			{
<i>Secretary.</i> —THE BISHOP'S DOMESTIC CHAPLAIN, <i>Ex-Officio.</i>			
<i>Treasurer.</i> —THE BANK OF BENGAL.			

#### RULES

1. That the Subscription to the Fund be One Rupee a month.
2. That Donations of any amount be thankfully received.
3. That the Clergy throughout the Diocese, and others interested in the building of Churchs, be requested to become Collectors in aid of the Fund.
4. That before an application for a grant towards the erection of a Church is considered, it be necessary, that the Plan and Estimates of the proposed building be forwarded to the Secretary to be laid before the Trustees.
5. That a Local Committee be chosen at the station where the Church is to be erected, to whom the grant shall be paid when due, and who shall, in concurrence with the Architect, undertake the general superintendence of building the Church.
6. That before the sum voted is paid, the Local Committee be required to state, that the amount of promised Subscriptions, including the grant from the Fund, is equal to the sum mentioned in the Estimates.
7. That should the grant not become due, according to the preceding Rule, within a space of two years after the sum is voted, the grant become null and void, and a fresh application be necessary before it is renewed.

## CHAPTER II.

OF THE METROPOLITAN BISHOP OF CALCUTTA, AND  
THE BISHOPS OF MADRAS AND BOMBAY.

### SECTION I.

*Of the Episcopal Office in general.*

PREVIOUSLY to giving the particulars contained in the several Letters Patent of the Crown as to these appointments, the following are briefly noticed :—

A Bishop (*Episcopus*) is laid down to be the chief of the Clergy in his Diocese, and is that spiritual secular person who hath supreme power, under the King, in all Ecclesiastical causes, and is universal incumbent of his Diocese. A Bishop was formerly so called from that watchfulness, care, charge, and faithfulness, which, by his place and dignity, he hath and oweth to the Church. *Godwin*, 22, 23.

Particulars as to the office of a Bishop.

The Bishop is the Archbishop's Suffragan, or Assistant ; <sup>Is the Archbishop's Suffragan.</sup> the Archbishop being the chief of the clergy in the province. *Godwin*, 22.

Every man, which is to be ordained and consecrated <sup>Must be 30 years of age</sup> Bishop, shall be full thirty years of age. The reason for which, by the canon law is, that our Saviour was baptized to preach at that age. *Dist. 78, cap. 3.*

There are four things to complete a Bishop ; 1st, election <sup>Four requisites, election, confirmation, consecration, and installation</sup> or appointment ; 2nd, confirmation, (if elected) ; 3rd, consecration ; 4th, installation. *3 Salkeld*, 72.

The right of electing or appointing to Bishoprics is laid down to be in the Crown of England, as the Supreme Head of the Church. *Palm. 28.* On which subject Lord Coke establisheth the right of donation in the Kings of this realm upon the principle of foundation and property, for that all the Bishoprics in England were of the right of patronage. <sup>Right of election in the Crown.</sup> *Inst. 134, 344.*

*And confirmation.*

The election or nomination by the King's *congé d'estre*, or licence, is signified by His Majesty's Letters Patent, directed to the Archbishop of the province, or to four Bishops, requiring them to confirm, invest, and consecrate the person so elected, which they were bound to perform immediately.

*Further as to the appointment in early times.*

And with regard further to that appointment, as vested in the Crown, it is observed, that election was in very early times the usual mode of elevation to the Episcopal chair throughout all Christendom; and this was promiscuously performed, originally, by the laity as well as the clergy, till at length it becoming tumultuous, the Emperor, and other Sovereigns of the respective kingdoms of Europe, took the appointment in some degree into their own hands, by reserving to themselves the right of confirming those elections, without which the elected Bishop could not be consecrated. This right was acknowledged in the Emperor Charlemagne, A. D. 773, by Pope Hadrian I., and the Council of Lateran, *Decret. 1. Dist. 63, 22*, and universally exercised by other Christian Princes. *Blackstone's Com. vol. 1, page 377.*

*In England.*

With reference to the proceedings in England regarding the election, confirmation, and consecration of Bishops, the reader may consult *Burn. Ecc. Law, vol. 1, page 198, 199*; and also *26th Geo. III, cap. 84*, and *59th Geo. III, cap. 60*, § 6, as relating to the consecration of Bishops, subjects or citizens of countries out of His Majesty's dominions.

*After consecration.*

After election and confirmation, and not before, the Bishop is fully invested to exercise all spiritual jurisdiction. *Gibs. 114.*

But he may not sue for his temporalities till after consecration. *Wats. cap. 40, page 423.*

The following particulars respecting the appointments and powers of the Bishops in India are now mentioned:—

## SECTION 2.

OF THE METROPOLITAN BISHOP OF CALCUTTA, HIS POWERS  
AND OFFICE, UNDER THE LETTERS PATENT.

The Letters Patent of the 2nd May, 1814,\* after erecting, founding, and constituting the See and Diocese of Calcutta, as already detailed, proceed to appoint Thomas Fanshaw Middleton, D. D. Bishop of the said See, subject nevertheless to the power of revocation in the Crown, and to the right of resignation in the Bishop, as therein mentioned; and ordain that the Bishop shall be also subject to the Archiepiscopal See and Province of Canterbury, and to the Archbishop, in the same manner as other Bishops within that Province, save in the matter of appeals from judgments, decrees, and sentences pronounced, which are ordained not to be made to the Archbishop, but to the Commissioners Delegate as thereafter appointed.

Letters Patent of the 2nd May, 1814, page xi.

Bishop Middleton appointed.

Subject to the power of revocation and to the right of resignation.

Subject to the province of Canterbury, save in the matter of appeals.

By these Letters Patent, the Bishop of Calcutta is expressly authorized to ordain and to confirm, and to perform all other functions Ecclesiastical, and appropriate to the office of a Bishop.

Is empowered to ordain and to confirm. And perform all other functions.

The same Letters Patent, after nominating the Archdeacons of Calcutta, Madras and Bombay, and appointing them Commissaries of the Bishop, then authorize the Bishop and his Commissaries, to exercise jurisdiction Spiritual and Ecclesiastical, in and throughout the said See and Diocese of Calcutta, according to the Ecclesiastical laws of England, in the several causes and matters specified, namely:—

The Bishop and his Commissaries to exercise jurisdiction spiritual and ecclesiastical.

To grant Licences to officiate to all Ministers and Chaplains of all Churches and Chapels, or other places, within the said Diocese, wherein Divine Service shall be celebrated:—

To grant Licences to officiate where divine service is performed.

To visit in his Diocese with all jurisdiction, power, and coercion Ecclesiastical that may be requisite:—

To visit.

To administer all such oaths as are accustomed and may by law be administered according to the Ecclesiastical laws of England:—

To administer oaths.

And to punish and correct the aforesaid Ministers and Chaplains, whether by deprivation, suspension, or other Ec-

Power to correct by deprivation, suspension, or otherwise.

\* Vide page xi, ante

clesiastical censure, according to the Ecclesiastical laws aforesaid.

Power to collate to  
the Archdeaconry of  
Calcutta.

Power is also granted to the Bishop of Calcutta to collate and institute to the Archdeaconry of Calcutta, any Priest being one of the Chaplains of the said Company resident in India.

And to appoint a Re-  
gistrar.

The same Letters Patent grant to the Bishop the power of appointing a Registrar.

Bishop to be a body  
corporate &c

They ordain also that the Bishop of Calcutta shall for ever be a body corporate with perpetual succession, to be called or known by the name of Bishop of Calcutta, with power to purchase and hold lands in perpetuity, or for life or years, as by grant or license from the Company he may be authorized ; and also to hold any personal property ; and by and under the name aforesaid to prosecute or defend.

To have a corporate  
seal.

The Bishop is further empowered to have and use a corporate seal, and the seal from time to time at his pleasure to alter or make new.

Power to appoint Com-  
missaries throughout  
the territories within  
limits of Company's  
Charter.

And by the Letters Patent of the 27th May, A. D. 1823,\* appointing Reginald Heber, D. D., to be the Bishop of the said See, the additional power is granted of appointing Commissaries, within any of the territories of the Crown within the limits of the Company's Charter, and which Commissaries are to act in all matters relating to the Episcopal jurisdiction and functions, according to the duties of a Commissary by the Ecclesiastical law.

And exercise juris-  
diction over all the  
territories within such  
limits.

These last Letters Patent grant to the Bishop of Calcutta jurisdiction over all the territories of the Crown, within such limits, and such as he may lawfully exercise in and over the territories under the Government of the Company, by virtue of the Letters Patent of the 2d of May, 1814,† or over the territories of Ceylon, by the several Letters Patent of the 27th of September, 1817,‡ subject always to the same limitations as therein contained.

Alterations made.

To these functions and powers other and still more important have lately been added, whilst some have been revoked.

By the recent Letters  
Patent former powers  
revoked except, &c.

By the more recent Letters Patent of the Crown of the 13th June, 5 Will. IV,§ and the 1st October 7, Will. IV,||

\* Vide page xxiii.

§ Page xxix.

† Page xi.

|| Page xlviij.

‡ Page xix, xxii.

after dissevering the territories of Madras and Ceylon, and those of Bombay, as then forming parts of the Diocese and See of Calcutta as already set forth, the powers and jurisdiction granted to the Bishop of Calcutta over the same, are revoked, except such as are therein limited and confirmed.

The Archdeacons and Commissaries of Madras and Ceylon, after the 10th October then following, were also directed to cease from assisting the Bishop of Calcutta; and the Archdeacon and Commissary of Bombay, in like manner, from the 1st July, 1836.

The power of the Bishop of Calcutta to collate to the Archdeaconries of Madras and Bombay is likewise taken away, as well as that of appointing Registrars, in those Archdeaconries.

Nothing however contained in the last mentioned Letters Patent is to affect any matter or cause pending in the Court of the Bishop of Calcutta, or in the Court of any of his Archdeacons or Commissaries.

The provision contained in the former Letters Patent of the 2nd May 1814,\* for temporarily supplying any vacancy of the said See of Calcutta, is also revoked.

The same two recent and last mentioned Letters Patent, after then severally proceeding to declare the intention of the Crown, the former as to founding the Bishoprick of Madras, and the latter that of the Bishoprick of Bombay, ordain that the Bishop of Calcutta shall be the Metropolitan Bishop in India, with such Ecclesiastical jurisdiction as is therein mentioned, "subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury, in the same manner as the said Bishop of Calcutta was subject to and subordinate to the Archbishop, in the exercise of all Ecclesiastical jurisdiction and powers previously vested in the said Bishop."

Power is then declared to be given to the Bishop of Calcutta to perform the functions of Metropolitan within the limits of the Sees of Madras and Bombay, and to exercise Metropolitan jurisdiction over the Bishops of Madras and Bombay; the Archdeacons of Madras and Colombo, and of Bombay; and over all Chaplains, Ministers, Priests, and Deacons in Holy Orders, within those Dioceses.

Archdeacons of Madras and Bombay to cease from assisting the Bishop of Calcutta.

Power of collating is revoked.

Of appointing Registrars revoked.

Nothing to affect any causes pending in any Court of the Bishop, &c.

Provisions for temporarily supplying vacancy, revoked.

Intention of the Crown as to founding the Bishoprick of Madras and Bombay.

Bishop of Calcutta to be Metropolitan.

Subject to the ~~Arch~~ Bishop of Canterbury.

Power to perform functions as the Metropolitan over Bishops of Madras and Bombay, and Clergy.

To visit as such.

To visit once in every five years, or oftener if occasion require, as well the Bishops of Madras and Bombay, as all Ministers and Chaplains and Priests and Deacons in Holy Orders resident in those Dioceses, for correcting and supplying the defects of the Bishops of Madras and Bombay with all manner of visitatorial and appellate jurisdiction, power, and coercion.

To inhibit during visitation.

And to exercise by himself or his Commissary jurisdiction over those Dioceses.

To inhibit, during such visitation, the exercise of jurisdiction on the part of those Bishops as may seem expedient. And by himself or Commissary to exercise such powers and jurisdiction over the Dioceses of Madras and Bombay, as those Bishops might have exercised if not inhibited.

To hear and decide appeals from decisions of the Suffragan Bishops.

Power is also granted to the Metropolitan Bishop to hear and decide all appeals from the decisions of the Suffragan Bishops.

To administer oaths, &c.

To administer oaths in his Metropolitical and visitatorial and appellate jurisdiction over the Sees of Madras and Bombay.

In case of the death of Bishop of Madras, or vacancy of that See.

The same as to Bombay.

In case of the vacancy, by demise or otherwise, of the Bishopric of Madras, to exercise the functions thereof.

And the same with regard to the See of Bombay; but with power in that case of delegating to the Bishop of Madras for the time being the performance of the functions and duties of that See.

Such are the powers under the different Letters Patent, now possessed by the Bishop of Calcutta.

as to recent authority of the Bishop of Calcutta a Metropolitan

It is observed by Dr. Phillimore, in his edition of Burn's Ecclesiastical Law,\* that "in order to ascertain the authority and jurisdiction which may be exercised by any Diocesan of a colonial See, the Patent of his Appointment must be consulted; but generally he is empowered to exercise personally, or through his Commissary or Commissaries, the same Ecclesiastical jurisdiction and authority as may be exercised according to the Ecclesiastical Laws and Canons of England." "That the present authority of the Bishop of Calcutta resembles that of the Scotch *Primus*."† "To the latter the decease of every Bishop must be notified."‡

\* Vol. I, page 415 nnnn.

‡ Ibid. page 415 kkk.

† Ibid. page 415 zzz.

## SECTION 3.

OF THE BISHOPS OF MADRAS AND BOMBAY, AND THEIR  
POWERS AND OFFICE UNDER THE LETTERS PATENT.

These Bishops by their respective Patents of the 13th June, 1835,\* and 4th October, 1837,† hold their appointments from the Crown in the same manner as the Bishop of Calcutta, subject to the power of revocation, and to the right of resignation; and are declared by their Patents to be subject and subordinate to the See and Bishop of Calcutta, in the same manner as any Bishop is under the Province of Canterbury to the Archbishop.‡

At their consecration they take the following oath of due <sup>Their oath.</sup> obedience to the Metropolitan, namely;

“ I —— appointed Bishop of the Church and See of —— do profess and promise all due reverence and obedience to the Metropolitan Bishop of Calcutta and his successors. So help me God, through Jesus Christ.”

The like powers with respect to ordaining and confirming are granted to them in their respective Dioceses, in the same manner as the Bishop of Calcutta possesses them under the first Letters Patent of the 2d of May, A. D. 1814.

And to perform all other functions Ecclesiastical and appropriate to the office of a Bishop within the limits of their Sees.

The above Letters Patent, after appointing the respective Archdeacons, and declaring the latter to be the Commissaries of those Bishops, further empower and authorize the said Bishops and their Commissaries to exercise, in like manner with the Bishop of Calcutta, jurisdiction Spiritual and Ecclesiastical throughout those Sees and Dioceses, according to the Ecclesiastical laws of England, in the several causes and matters specified, and to grant to the Clergy Licences to officiate.

They are also empowered to visit their respective Dioceses in the same manner as the Bishop of Calcutta.

\* Page xxxvii.

† Page iv.

‡ The Right Rev. Daniel Corrie, LLD., was appointed first Bishop of Madras, June 1835, on whose demise in Feb. 1837, the Right Rev. George Trevor Spencer, D. D., was nominated, June 1837, and is now the Bishop of that See: the Right Rev. Thomas Carr, D. D., was appointed to the Bishoprick of Bombay, June 1837, and is the present Bishop thereof.

Bishops of Madras,  
and Bombay.

Subject to the Bishop  
of Calcutta.

Are empowered to  
ordain and confirm.

And perform all other  
functions within their  
Dioceses.

These Bishops by  
themselves or Com-  
missaries to exercise  
jurisdiction, &c.

To grant Licences to  
officiate at places  
where divine service  
is performed.

To visit.

To administer oaths and to punish and correct by deprivation &c.

To administer oaths and to punish and correct the Ministry and Clergy by deprivation, suspension, or other Ecclesiastical censure.

Power granted to Bishops of Madras and Bombay to collate to the Archdeaconries of Madras and Bombay.

Power is also granted to the same Bishops, to collate to the Archdeaconries; that is to say, the Bishop of Madras to the Archdeaconry of Madras, and the Bishop of Bombay to collate to the Archdeaconry of Bombay.

Power granted to Bishops of Madras and Bombay.

The same several Letters Patent grant also to each the like power of appointing a Registrar; namely, the Bishop of Madras to appoint a Registrar in each of the Archdeaconries of Madras and Colombo, and the Bishop of Bombay to appoint a Registrar for the Archdeaconry of Bombay, after the demise or otherwise of the present Registrars.

Bishops of Madras and Bombay to be bodies corporate.

The Bishops of Madras and Bombay are also declared to be each a body corporate, with perpetual succession, to be called or known by the names of Bishop of Madras, and Bishop of Bombay; with power to purchase and hold lands in perpetuity, or for life or years, as by grant or licence from the Company they may be authorized; and also to hold any personal property; and by and under their respective names aforesaid, to prosecute or defend.

To have a corporate seal

They are both empowered also to have and use a corporate seal, and the seal from time to time at their respective pleasures to alter or make new.

#### SECTION 4.

##### FURTHER OBSERVATIONS APPLICABLE TO THESE APPOINTMENTS IN THE EAST INDIES; PROCEEDINGS ON ARRIVAL; AND ON INSTALLATION, AND OTHER PARTICULARS.

Consecration of the Bishops in the East Indies.

In the last Section, the appointments, with the several powers vested in the respective Bishops, were detailed. It may now be observed, in reference to these Bishops, that, when appointed, Letters Patent, under the Great Seal, are issued, which direct the Archbishop of Canterbury, or other Bishops, to do all things necessary for consecrating the Bishop therein named.

Every Bishop is consecrated either by the Archbishop and two other Bishops, or by four Bishops, 25th Hen. viii, cap. 20. By the 3d and 4th Will. iv, cap. 85, § 100. If any person be appointed under the degree of a Bishop to either of the Bishopricks of Calcutta, Madras, or Bombay, resident at the time in India, the Archbishop of Canterbury, as empowered, may issue a Commission to the two remaining Bishops, authorising them to consecrate the person so appointed. And for the form and manner of consecration of Bishops, the reader is referred to the Book of Common Prayer.

And every Bishop, being consecrated, shall and may be installed, 25th Hen. viii, Cap. 20, § 5.

Before proceeding to the form of Installation in India, it Installation in India. may be found useful to be mentioned, that official information to the Government is given by the Bishop of his arrival, as soon as he comes into his Diocese. A copy of Her•Majesty's Letters Patent, under which the Bishop has been appointed, and of the act of his consecration, are also transmitted to Government. The Government then publicly announces, for general information, the appointment of the new Bishop to the Diocese.

The Installation takes place as soon after arrival as possible, and the Order of proceeding is as follows :—

*Preparation will be made to receive the Bishop at the Cathedral and for the performance of Divine Service, in which the Officiating Clergy of the Church take part.*

Order of proceeding  
on the installation  
of the Bishop in India.

*The Bishop will enter at the West door of the Church, and proceed to his Robing room, where he remains. Divine Service then commences, and at the Conclusion of the Second Lesson, the Clergy repair to the Bishop's room, and thence conduct the Bishop into the Church. On their entering the latter, and as they pass up the aisle, the Organ plays. On reaching the Stall or Chair of the Bishop, the Music ceases, and the Archdeacon addresses the Bishop as follows :—*

“ My Lord Bishop,

“ I the Venerable \_\_\_\_\_, do, in compliance with the custom established, in the presence of the Clergy and persons here

"assembled, install your Lordship into the true, lawful, and Episcopal  
See and Diocese of \_\_\_\_\_.

*The Bishop then takes his seat; the keys of the Church are delivered to him by the Archdeacon; and the Clergy retire to their places. The service proceeds, and concludes with the Blessing.*

Finally, a Public Notary, by the Archdeacon's command, records the whole matter of fact in this affair, in an instrument to remain as authentic. *God. 27.*

*And accordingly the Registrar, who is a Notary, attends the Bishop's Installation, and afterwards records and attests the proceedings thereof by an Act inserted in his Register.*

The form of Installation being given, the following particulars may now be introduced, as further applicable to the Episcopal appointments in India:—

A Bishop hath his Consistory Court.

A Bishop hath his Consistory Court to hear Ecclesiastical causes, and is to visit the Clergy, and to consecrate Churches; he ordains, admits, and institutes Priests; he also confirms; and likewise suspends and excommunicates, &c. *Co. Rit. 96, Rob. Abt. 230.*

Shall abide in his Cathedral, and shall - &c. and consecrate

*Otho.* Bishops shall officiate on the chief festivals, and on the Lord's days, and in Lent, and in Advent: and shall visit their Dioceses, at fit seasons, correcting and reforming the Churches, and consecrating and sowing the word of life in the Lord's soil. *Athon. 55.*

To be resident especially on solemn days.

*Othobon.* Bishops shall be personally resident to take care of the flock committed to their charge, and for the comfort of the Churches espoused to them, especially on solemn days in Lent and Advent: unless their absence is required by their superiors, or for other just cause, (that is, by their Superior either Ecclesiastical or Secular.) *Athon. 118.*

Title.

Bishops have the title of "Lord" and "Right Reverend Father in God," *Cham. 65*, and style themselves, "by Divine permission, Bishop." *God. 13.*

The Bishop of Calcutta receives, under the 53 Geo. III, <sup>Salary of the Bishop of Calcutta.</sup> Cap. 155,\* from the Company, a salary of £5000 per annum,† and is allowed by the same Act £1200 for his outfit.

His legal personal representative also is allowed by the 6 Geo. IV, Cap. 85,‡ a Provision, if he happen to die during the voyage, or within six months after his arrival, such as shall be equal to one year's salary, including the sum he may have drawn on account of such salary; and in case of death after the six months, then a sum equal to six months' salary over and above what may be due to him at the time of his death.

He is also, under the 53 Geo. III, Cap. 155, and 4. Geo. IV, Cap. 71, § entitled to a Pension of £1500 per annum, after <sup>Pension.</sup> he shall have exercised the office in India ten years.

And by the 6 Geo. IV, Cap. 85,|| after exercising within the limits of the Charter of the East India Company, the Office of Bishop of Calcutta, five years, a Pension is allowed, not exceeding one-half of the sum of £1,500 per annum, to which, under the last Statutes, he is entitled; and if he has exercised within the same limits the office seven years, then a Pension not exceeding two-thirds of that sum. But these latter Pensions are not allowed, except the resignation at five or seven years is made from illness or infirmity, proved to the satisfaction of the Crown.

The 5 and 6 Vict. Cap. 119,¶ empowers Her Majesty to grant to any Bishop of Calcutta, who shall have resided ten years, permission to return to Europe for a period not exceeding eighteen Calendar months from the term of departure from the East Indies; and in such case, and in manner mentioned in the 53 Geo. III,\*\* herein, as to the grant of the Pension, to grant to such Bishop of Calcutta so returning to Europe, a Furlough Allowance not exceeding the highest scale of Pension which by law Her Majesty is empowered to grant to any such Bishop, and for a period not exceeding eighteen Calendar months from the time of departure of such Bishop from the East Indies.

\* Page 1, *ante.*

† This, instead of being £5000, or 50,000 Sicca Rupees, has been long reduced, by the effects of an unfavourable exchange, to about 43,000 Sicca Rupees or £1300, instead of what the Act specifies, £5000.

‡ Page vi, *ante.*

§ Page iv, *ante.*

¶ Page x, *ante.*

|| Page vi, *ante.*

\*\* Page 1, *ante.*

And a second Furlough, of similar duration and amount, after five years from resuming the office.

Provided, that it shall not be lawful to grant such Furlough Allowance, to more than one such Bishop at one and the same time.

Expenses of visita-  
tion.

The expenses of his Visitations are also defrayed by the Government, See Chapter VIII.

Precedence of the Bi-  
shop of Calcutta.

The Metropolitan Bishop of Calcutta takes precedence next after the Chief Justice of Bengal.

Residence to be pro-  
vided.

By the 4 Geo. IV, Cap. 71, § 5,\* it is enacted, amongst other things, that the Company shall provide a suitable residence at Calcutta for the Bishop, provided no greater sum on account thereof be issued than is settled by the Court of Directors with the approbation of the Commissioners for the Affairs of India.†

Bishops of Madras  
and Bombay, their  
Salaries.

The Bishops of Madras and Bombay are each allowed under the 3 and 4 Will. IV, Cap. 85,‡ a salary of 2000 Sicca Rupees a month, and £500 passage money, in case they are resident in England at the time of their appointment.

In case of death of  
either of those Bi-  
shops.

In case of death within six months of their arrival in India, the personal legal representative receives a sum equal to one year's salary, including what has been drawn by them during their lives; and in case of death after the expiration of six months after arrival, the six months' salary is in like manner allowed over and above any arrears of salary due.

Their pensions.

These Bishops are respectively allowed, also, by the same Act, a Pension of £800 per annum after fifteen years' service.

Their fu. ongl.

By the same Act before quoted, (*the 5 and 6 Vict. Cap. 119. §*) the Bishops of Madras and Bombay are entitled each to a Furlough Allowance of eighteen months, after a period of residence of fifteen years, not exceeding their highest scale of Pension, which Her Majesty is empowered to grant.

And the same again after five years from resuming their functions in India, provided that no other Bishop is on Furlough.

\* Page iv, *ante*.

† The House provided for the Bishop of Calcutta is situated in Russell Street, Chowringhee, and somewhat contiguous to the neighbourhood of the New Cathedral.

‡ Page viii, *ante*.

§ Page x, *ante*.

And in case of either of the Bishops of Madras and Bombay being permitted, during the absence of the Bishop of Calcutta on Furlough, to exercise and carry on the functions of that Bishop, an additional annual Salary of 10,000 Company's Rupees is to be granted for the performance of such functions.

If either is translated to the Bishoprick of Calcutta, the period of his residence as Bishop of Madras and Bombay to be accounted for, and taken as a residence as Bishop of Calcutta.

The expenses of the Visitations of the Suffragan Bishops are to be paid by the Company. *See the same Act and Chapter VIII,* herein.

The Bishops of Madras and Bombay, by the Royal War-<sup>their precedence.</sup>rant, dated 28th June, 1841, are assigned, and take precedence, next after the respective Governors and Chief Justices of those Presidencies.

No residence has yet been granted them, but a small Establishment of writers and peons is allowed, as well as stationery; and they possess the privilege, with the Metropolitan, of franking Letters.

With regard to Church preferment in the gift of the Bishops in India, it may be observed, that the circumstance of the Chaplains being all of them stipendiary, and nominated by the Court of Directors, or the local Governments, to the different stations, the right of selection and of preferring to the several Churches, as yet vested in the Bishops, is confined solely to what is granted them in that respect by the Crown, as already noticed in their respective Letters Patent.

Besides simply the power of collating to the Archdeaconry of Calcutta, and appointing the Registrar, the Bishop of Calcutta appoints his Domestic Chaplain, whom he is directed to nominate from the list of the Company's Chaplains on the Salary allowed, or, if any other Clergyman, he must leave India with the Bishop, or at his death.

The Bishops of Madras and Bombay, in addition to the same powers, have the privilege of appointing also their Chaplain, when proceeding on a Visitation.

The Bishop of Calcutta, by a regulation of Bishop Middleton, preaches at the Cathedral on the days following: the Cir-

During Bishop of Calcutta's furlough, in case the Bishop of Madras or Bombay carry on functions, what sum allowed.

If translated to the Bishoprick of Calcutta.

Expenses of the Visitation of the Suffragan Bishops.

Their precedence.

No residence is yet allowed.

Possess the privilege of franking Letters.

Preferment in the gift of the Bishops in India.

Confined solely to their Letters Patent.

Bishop of Calcutta appoints a Domestic Chaplain.

The Bishops of Madras and Bombay the same.

Days of Preaching.

cumcision ; Septuagesima Sunday ; Mid-Lent Sunday ; Easter-Day ; Whit-Sunday ; First Sunday in Advent ; and Christmas Day.

And it is presumed the same regulation is followed in the other Dioceses.

## SECTION 5.

### OF THE VACANCIES AND RESIGNATION OF THE SEES OF CALCUTTA, MADRAS AND BOMBAY.

*In case of vacancy of the See of Calcutta, by whom functions to be performed.*

By the Letters Patent of the 13th June, A. D. 1835,\* it is ordained that " during a vacancy of the See of Calcutta, " by the demise of the Bishop thereof, or otherwise, the " Episcopal jurisdiction and functions appertaining to the " said See shall be exercised by the Bishop of Madras. In case " of a vacancy of the said See of Madras, then by the Bishop of " Bombay, and in case of a vacancy of that See, the same shall " be exercised, as far as by law they may, by the Archdeacon of " Calcutta, or in case of a vacancy of that Archdeaconry, then " by the Archdeacon of Madras or the Archdeacon of Bombay, " or by two Clergymen of the Church of England resident " within the Diocese of Calcutta, as may be directed by the " Governor General of India in Council."

*In case of vacancy of the See of Madras, by whom functions to be performed.*

The same Letters Patent further ordain that, " during a " vacancy of the See of Madras, the Episcopal jurisdiction " and functions appertaining thereto shall be exercised by the " Bishop of Calcutta for the time being, and in case of a " vacancy of the said See of Calcutta, then they shall be ex- " ercised, as far as by law they may, by the Archdeacon of " the Archdeaconry of Madras for the time being, or in case " of a vacancy of such Archdeaconry, then by two Clergymen " of the Church of England within that Diocese, as may be " directed by the Governor General of India in Council."

*In case of vacancy of the See of Bombay, by whom functions to be performed.*

And by the Letters Patent of the 1st of October, A. D. 1837,† it is ordained that, " during a vacancy of the

“ See of Bombay this Episcopal jurisdiction and functions  
 “ thereof shall be exercised by the Bishop of Calcutta, with  
 “ power to delegate to the Bishop of Madras the perform-  
 “ ance of such Episcopal jurisdiction and functions; and in  
 “ case of a vacancy of the See of Calcutta, then by the Bishop  
 “ of Madras; and in case of a vacancy of the See of Madras,  
 “ then as far as by law they may, by the Archdeacon of  
 “ Bombay, or in case of a vacancy of the said Archdeaconry,  
 “ then, by two Clergymen of the Church of England within  
 “ that Diocese, as may be directed by the Governor General  
 “ of India in Council.”

On the Subject of Resignation, it is laid down by the Resignation how to be made. Law Books, that Bishopricks may become void by death or deprivation, or by resignation. All resignations must be made to some superior, therefore a Bishop must resign to his Metropolitan. *Black. Com. vol. 1, page 382.*\*

By the Letters Patent of the 2nd of May, A. D. 1814,\* it is declared, for “ removing all doubts, with respect to the validity “ of resignation, that if the Bishop of Calcutta by instrument “ under his hand and seal, delivered to His Majesty’s Com-  
 “ missioners Delegate, (consisting of the Judges of the Su-  
 “ preme Court of Judicature at Calcutta for the time being,  
 “ and the Members of Council at Calcutta for the time  
 “ being,) and by them accepted and registered, should  
 “ resign the office of Bishop, he should forthwith cease to be  
 “ Bishop of Calcutta, but not without prejudice to any re-  
 “ sponsibility to which he might be liable in law or equity  
 “ in respect of his conduct in his office.”

With regard to resignation on the part of the Bishops of Madras and Bombay, they are directed to resign in like manner to the Bishop of Calcutta. *Letters Patent of the 13th June, A. D. 1835,*† *and of the 1st Oct. 1837.*‡

The office of Bishop of Madras or Bishop of Bombay to be resigned to the Bishop of Calcutta.

And it may be observed as to the English Dioceses, that when a Bishop dies, or is translated, or the Bishoprick becomes in any manner vacated, the law takes care to provide a guardian, as to the spiritual jurisdiction, during such vacancy, to whom presentations may be made, and by whom institutions, admissions, and the like, may be given; and

In England a guardian as to the spiritual jurisdiction is appointed.

which officer is called, the Guardian of the Spiritualities. *God. Introd.* 9; *God. 39*; and *Com. Dig. Tit. Prerogative, D. 26, 27.*

During such vacancy, in England, the Guardian of the Spiritualities, hath all manner of jurisdiction of the courts; of granting admissions, and institutions; but he cannot, as such, consecrate, or ordain, or present to vacant benefices, or confirm a lease. *God. 21, 39. Word. 6, 1, cap. 3.*

And he shall have the perquisites, that happen, by the execution of such power, until the new elected Bishop may, by law, execute the same. *Wats. cap. 40.*

His power ceaseth, after confirmation of the new elected Bishop. *Gibs. 144.*

## CHAPTER III.

### OF ORDINATION IN THE DIOCESES IN THE EAST INDIES.

#### SECTION I.

##### CONCERNING ORDINATION IN GENERAL.

WE have in the previous Chapter detailed the powers granted to, and possessed by the different Bishops; under and by virtue of their Letters Patent. We now therefore proceed to set forth, in a practical view, the first of these important functions, namely; that of conferring the orders of Priest and Deacon.

On this subject, and before we give the necessary extracts from the Letters Patent relating thereto, it may be shortly noticed by way of introduction, that the following explanation is given concerning Ordination:—

The Church of England holds that the Apostles according to the Commission given to them by our Lord, ordained before their departure, those who should continue their work after them as Governors and Teachers of the Church, and that the authority for setting men apart for the Ministry of Holy Things, and of admitting them into the Sacred Offices of Bishop, Priest, and Deacon in the Church, belongs to her Bishops in right of imposition of hands, with Publick Prayer, continued from the Apostles' times.\*

Explanation concerning Ordination.

The act or ceremony of thus episcopally admitting candidates into two of these Offices, namely; those of Priest and Deacon, the subjects of the present Chapter, is by the Rubric of the Church of England termed Ordination.†

\* Burn, Ecc. Law (Phillimore's edit.) vol. 3, page 41, and authorities quoted.

† Preface to the forms of Consecration of Bishops, and of Ordination of Priests and Deacons—Book of Common Prayer.

Of orders generally from the times of the apostles.

And by the preface to the forms of Consecration and Ordination, it is evident unto all men, diligently reading the Holy Scriptures, and ancient authors, that from the Apostles' time, there have been these orders of Ministers in Christ's Church, Bishops, Priests, and Deacons; which offices were

And no man to execute them except he be called, tried, and examined.

evermore had in such reverend estimation, that no man might presume to execute any of them, except he were first called, tried, and examined, and known to have such qualities as are

And by public prayer and imposition of hands.

requisite for the same, and also by Public Prayer with imposition of hands, approved and admitted thereunto by lawful authority. *Rubric.*

Of the form of ordination as annexed to the Book of Common Prayer.

By Art. 36, the book of consecration of Archbishops and Bishops and ordering of Priests and Deacons, lately set forth in the time of Edward the Sixth, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such consecration and ordering; neither hath it anything, that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the rites of that book, since the second year of the forenamed King Edward, unto this time, or hereafter shall be consecrated or ordered according to the same rites, we declare all such to be rightly, orderly, and lawfully consecrated and ordained. And see Can. 8, *Appendix (B)*, as to the offence of affirming the above to be repugnant.

By Art. 25, Holy Orders are not to be accounted for a Sacrament of the Gospel, as not having the like nature of Sacraments with Baptism and the Lord's Supper: for that they have not any visible sign or ceremony ordained of God.

We now proceed to give the following.

## SECTION 2.

### *Extracts from the Letters Patent and the Statutes as to Ordination in the East Indies.*

Power of Bishop of Calcutta to ordain.

"And We do by these presents give and grant unto the said Thomas Fanshaw Middleton and his successors, Bishops

"of Calcutta, full power and authority to confer the orders  
 "of Deacon and Priest, such Bishop and his successors ha-  
 "ving been first duly ordained or consecrated Bishops, ac-  
 "cording to the form prescribed by the Liturgy of the Church  
 "of England." *Letters Patent, 2d May 1814.\**

In addition to this extract, it is declared by 4 Geo. 4th, <sup>Geo. 4, cap. 61</sup> Cap. 61, § 6, that "whereas doubts have arisen whether the Bishop of Calcutta in conferring Holy Orders, is subject to the several provisions and limitations established by the laws of this realm, or canons ecclesiastical, as to the titles of the person to be ordained, and as to the oaths and subscriptions to be by such person taken and made, it is hereby enacted, that it shall and may be lawful for the Bishop of Calcutta for the time being to admit into the Holy Orders of Deacon and Priest respectively, any person whom he shall, upon examination, deem duly qualified, specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity, within the limits of the said Diocese of Calcutta, and residing therein, and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such Bishop, shall be held to be a sufficient title, with the view to such Ordination; and that, in every such case, it shall be distinctly stated in the Letters of Ordination of every person so admitted to Holy Orders, that he has been ordained for the cure of souls within the limits of the said Diocese of Calcutta only; and that, unless such person shall be a British subject, of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions, which persons ordained in England are required to take and make."

And as to the Diocese of Madras, the Letters Patent thus speak:—

"And We do by these presents give and grant to the <sup>Power of Bishop of Madras to ordain</sup> said Daniel Corrie and his successors, Bishops of Madras, full power and authority to admit into the Holy Orders of Deacon and Priest respectively, any person whom he shall upon examination deem duly qualified, especially for the

“ purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity within the limits of the said Diocese of Madras, and residing therein. And We do by these presents will and ordain that a declaration of such purpose, and a written engagement to perform the same under the hand of such person being deposited in the hands of such Bishop, shall be held to be a sufficient title with a view to such Ordination, and that in every such case it shall be distinctly stated in the Letters of Ordination of every person so admitted to Holy Orders, that he has been ordained for the cure of souls within the limits of the said Diocese of Madras only, and that unless such person shall be a British subject of or belonging to Our United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions, which persons ordained in England are required to take and make.”

*Letters Patent, 13th June 1835, 5 Will. 4th.\**

Power of Bishop of Bombay to ordain. The same power is given *verbatim* to “Thomas Carr, Bishop of Bombay, and his successors Bishops of Bombay.”

*Letters Patent 1st October, 1837, 7 Will. 4th.†*

59 Geo. 3, cap. 60, § 1. And also by 59 Geo. 3d, Cap. 60, § 1, after reciting, that “Whereas it is expedient, that the Archbishops and Bishops of this realm, should from time to time admit into Holy Orders persons specially destined for the cure of souls in His Majesty’s foreign possessions, although such persons may not be provided with the title required by the Canons of the Church of England, of such as are to be made Ministers; and whereas it will greatly tend to the advancement of religion within the same, if due provision shall be regularly made for a supply of persons properly qualified to serve as

Archbishop of Canterbury and Bishop of London, power to ordain for foreign possessions. “Parsons, Vicars, Curates, or Chaplains:” the above Archbishop or the Bishop of London, or any Bishop authorized by any or either of them, are then empowered thereby to admit into Holy Orders of Deacon and Priest, any person, whom on examination he shall deem duly qualified, specially for the purpose of taking on himself the cure of souls, or officiating in any spiritual capacity, in His Majesty’s colonies, or foreign possessions, and residing therein; and on a de-

A declaration in writing of the party to be ordained, to be a sufficient title.

claration of, and written engagement to perform, such purpose, under the hand of such person, being deposited in the hands of such Archbishop or Bishop, and so declared, shall be held a sufficient title with a view to such Ordination; and it shall be distinctly stated in his Letters of Ordination, that he has been ordained for cure of souls in His Majesty's foreign possessions.

No person admitted into Holy Orders for these purposes shall be capable of holding or of being admitted to any benefice or other Ecclesiastical dignity soever, within the United Kingdom, or of acting as Curate therein, without the previous consent and approbation in writing, under the hand and seal of the Bishop of the Diocese, in which any such benefice, &c. is locally situate, nor without the like consent of such one of the said Archbishops, or Bishop of London, by whom or by whose authority he had been originally ordained, or in case of the demise or translation of such Archbishop or Bishop, or his successor in the same See; provided that no such consent shall be given unless the applicant first produces a testimony of his good behaviour during his residence abroad, from the Bishop in whose Diocese he has officiated, or if no such Bishop from the Governor in Council of the Colony, in which he may have been resident, or from the Colonial Secretary of State. § 2.

No person so ordained,  
ed, capable of hold-  
ing any benefice, &c.  
in England without  
consent.

By § 3, no person admitted into Holy Orders by the Bishops of Quebec, Nova Scotia, or Calcutta, or by any other Bishop or Archbishop, shall be capable of officiating in any Church or Chapel of England or Ireland, without special permission from the Archbishop of the Province, where he proposes to officiate, or of holding, or being admitted to any Ecclesiastical preferment in England or Ireland, or acting as Curate therein, without consent and approbation of the Archbishop, and of the Bishop of the Diocese, wherein any such preferment or curacy is situate.

No person ordained  
by Bishop of Calcutta,  
Nova Scotia, or Que-  
bec, capable of offi-  
ciating in England  
without consent.

And by § 4, 5, no person after the 2d July 1819, ordained Deacon or Priest, by any colonial Bishop, who at the time of such Ordination, did not actually possess Episcopal jurisdiction over some Diocese, district or place, or was not actually resident therein, shall be capable of at any time

And after the 2d of  
July 1819.

holding preferment within His Majesty's dominions, or of being stipendiary Curate or Chaplain, or of officiating in any place or manner as a Minister of the established Church of England and Ireland ; and all admissions, inductions, and appointments to Curacies made contrary to this act, shall be void. *Burn. vol. 3, p. 40. note.*

24 Geo. 3, cap. 35.  
Dispensing in certain  
cases with the oath  
of allegiance.

By the 24 Geo. 3d, cap. 35, after reciting that by the laws of the realm persons who are admitted into Holy Orders must take the oath of allegiance, and that there are divers subjects of foreign countries, desirous that the word of God and the Sacraments should be administered to them, according to the Liturgy of the Church of England, by subjects or citizens of the said countries, ordained according to the form of Ordination in the Church of England, power is given to the Bishop of London, or any other Bishop to be by him appointed, to admit to the order of Deacon or Priest for the purposes aforesaid, persons, subjects, or citizens of countries out of His Majesty's dominions, without requiring them to take the said oath of allegiance. But they are not to exercise their office within His Majesty's dominions. *Burn. vol. 3, p. 38, note.*

### SECTION 3.

#### FURTHER AS TO THE TIME AND PLACE OF ORDINATION.

Of the offices of Priest  
and Deacon.

The above Extracts having been given, the following particulars concerning the time and place of ordaining Priests and Deacons, may be added :—

Time and place

By Can. 31, no Deacon or Minister shall be made and ordained, but only upon Sundays, immediately following "*jejunia quatuor temporum*," commonly called Ember Weeks, appointed in ancient time for prayer and fasting, and so continued at this day in the Church of England.

And by the preface to the form of consecration and ordination, it is prescribed that the Bishop may at the times appointed in the Canon, or else upon urgent occasion on some other Sunday or holiday, in the face of the Church, admit Deacons and Priests.

And this to be done in the Cathedral or Parish Church where the Bishop resideth. *Can. 31.*

## SECTION 4.

**OF THE QUALIFICATION AND EXAMINATION OF CANDIDATES  
FOR ORDINATION IN THE INDIAN DIOCESES; THE OATHS  
AND SUBSCRIPTIONS TO BE TAKEN AND MADE; THE IN-  
STRUMENTS NECESSARY; AND FORM OF ORDINATION.**

Although by the recent Statutes mentioned, the Bishops in the East Indies are undoubtedly authorized, if they think proper so to do, to dispense with the titles for orders necessary according to the Ecclesiastical law, yet by the practice hitherto pursued by them in these Dioceses, it would seem to have been thought essential to the interests of the Church, as well as of Christianity, in India, to attend as near as can be to all the rules laid down by the Canons and the Statutes in reference to the qualifications, testimonials, examination, and other requisites as in England, particularly in not dispensing with some satisfactory document, by which it may be ascertained in what manner and by whom the persons to be ordained are intended to be maintained in their office. With these brief preliminary remarks, the following are now proceeded upon.

By Can. 34, no Bishop shall admit any person into sacred orders, except he, desiring to be a Deacon, is three and twenty years old; and to be a Priest, four and twenty years complete.

By a constitution of *Otho*, it is thus enjoined: seeing it is dangerous to ordain persons unworthy, void of understanding, illegitimate, irregular, and illiterate, we do decree that, before the conferring of orders by the Bishop, strict search and enquiry be made of all these things. *Athon.* 16.

And, by a constitution of Archbishop Reynolds, no simoniac, homicide, person excommunicate, nor any other having canonical impediment, shall be admitted into Holy Orders. *Lind.* 33.

And, by Can. 34, no Bishop shall admit any person into sacred orders, except he hath taken some degree of school, in either of the two Universities, or at the least, except he be able to yield an account of his faith, in Latin, according to the Thirty-nine Articles, and to confirm the same by sufficient testimonies out of the Holy Scriptures.\*

\* A proper and adequate knowledge, besides, of the English language, is of course in all cases assumed in the Indian Dioceses.

Titles of candidates  
for orders in India.

Qualification and ex-  
amination.

Necessary title

Examination to be  
made.

No simoniac, homi-  
cide, or excommun-  
icate, to be admitted.

Learning.

Good life and doctrine and competent knowledge of Latin.

And with respect unto Priest's orders in particular, it is thus directed by the statute of 13 *Eliz.* Cap. 12; none shall be made Minister, unless it appear to the Bishop that he is of honest life, and professeth the doctrine expressed in the Thirty-nine Articles; nor unless he be able to answer and render to the Ordinary an account of his faith in Latin, according to the said Articles, or have special gift or ability to be a Preacher.

To exhibit letters testimonial.

And the ordinary way by which all this must appear to the Bishop must be by a written testimonial, concerning which it is directed by Can. 34 aforesaid, with respect both unto Deacon's and Priest's orders, that no Bishop shall admit any person into sacred orders, except he shall then exhibit letters testimonial of his good life and conversation, under the seal of some College of Cambridge or Oxford, where before he remained, or of three or four grave Ministers; together with the subscription and testimony of other credible persons, who have known his life and behaviour for the space of three years next before.

As to priest's orders in particular.

Letters testimonial.

And with respect unto Priest's orders in particular, it is enacted by the 13 *Eliz.* Cap. 12, that none shall be made Minister, unless he first bring to the Bishop of that Diocese, from men known to the Bishop to be of sound religion, a testimonial both of his honest life, and of his professing the doctrine expressed in the Thirty-nine Articles.

By Can. 35, the Bishop before he admit any person to Holy Orders, shall diligently examine him in the presence of those Ministers, that shall assist him at the imposition of hands; and if the Bishop have any lawful impediment, he shall cause the said Ministers carefully to examine every such person so to be ordained.\*

Candidates for, when to appear and to be examined, and by whom.

When the Bishop intends to hold an Ordination, all who are desirous to be admitted into the Ministry, are to appear the fourth day before the Ordination; and then the Bishop shall appoint some of the Priests attending him, and others skilled in the divine law, and exercised in the ecclesiastical func-

\* Bishop Wilson has uniformly desired the attendance of the Cathedral Clergy and the Principal of Bishop's College in examining the Candidates' Papers, and at the *viva voce* examination, and has called on the same Clergy to assist him in laying on of hands on the Priest at the Ordination.

tions, who shall diligently examine the life, age and title, of the persons to be ordained; at what place they had their education; whether they be well learned; whether they be instructed in the law of God. And they shall be diligently examined for three days successively; and on the Saturday, they who are approved shall be presented to the Bishop. And for how long.  
*Gibs. 147, See Dist. 24, c. 5, Burn, vol. 3, page 34.*

By the 1 *Eliz.* Cap. 1, and *W.* 3, Cap. 8, every person taking orders, before he shall receive or take any such orders, shall take the oaths of allegiance and supremacy before the Ordinary or Commissary. Oaths and subscriptions.

And by the 13 *Eliz.* Cap. 12, § 5, none shall be admitted to the order of Deacon, or Minister, unless he shall first subscribe to all the articles of religion agreed upon in Convocation in the year 1562, which only concern the confession of the true Christian faith, and the doctrine of the Sacraments.

And by Can. 36, no person shall be received into the Ministry, except he shall first subscribe as in that Canon laid down; and for the forms of the subscriptions required, see precedents at the end of this Chapter.

And for the avoiding of all ambiguities, such person shall subscribe in this form and order of words, setting down both his Christian and surname, viz. “ I. A. B. do willingly and “ *ex animo* subscribe to these three Articles above-mentioned, and to all things that are contained in them.”  
*Can. 36.*

Which subscription, as it seemeth, must be before the Bishop himself.

The instruments which would appear necessary, in order to being ordained in the Indian Dioceses, with reference to the preceding laws and observations, are as follow:—

What documents to be prepared and produced in the Indian Dioceses.

1stly. A signification of the candidate's name, and place of abode in the Diocese.

2ndly. A certificate of publication having been made, in the Church, of his design to enter into holy orders.

3rdly. Letters testimonial of his good life and behaviour.

4thly. Certificate of his age.

5thly. The title, or certificate by or on behalf of the party by whom he is to be maintained in the Diocese.

6thly. If he comes for Priest's orders, he must exhibit, besides his letters of Deacon's Orders, fresh instruments similar to the foregoing.

And lastly, the written engagement required to be made under his hand, to perform the duties of his office within that Diocese only, for which he is about to be ordained.

The Candidates prepare their own papers in general, which are sent in by them to the Bishop's Chaplain, to be laid before the Bishop for approval, three weeks\* previous to the day of Ordination ; for the form of which papers, see last Section of this Chapter.

For the service, and the form and manner of ordaining Deacons and Priests, the reader is referred to the Book of Common Prayer ; but it may be useful to give the following, as the usual proceedings hitherto observed at ordinations held in the Diocese of Calcutta.

When the Bishop has fixed a day for holding the Ordination, public notice is given of the same by the Registrar and Secretary, for the form of which see the last Section of this Chapter.

The Bishop appoints also at the same time the Preacher, who is to deliver the Sermon.

The candidates for Orders pursuant to such notice transmit their papers full three weeks before the day notified ; after which they are directed by the Bishop's Chaplain, when to attend at the Bishop's Palace to be examined. On the day previous to the Ordination, they take the oath of allegiance and of canonical obedience, and subscribe to the Thirty-nine Articles and the three Articles of the Thirty-sixth Canon.

On the day appointed for the Ordination, the Bishop's Chaplain takes care to direct that proper books for the Ordination service are provided for the Bishop and Clergy, and directs the Candidates to be placed in pews apart, the Deacons by themselves, the Priests by themselves.

\* The present Metropolitan requires a communication of the Candidate's intention to be ordained, to be previously made to him, full three months before.

If the Ordination is held for the admission both of Priests and Deacons into Holy Orders, the Bishop being seated near the Holy Table within the Rails, the Archdeacon first conducts and presents the Deacons to him; this being done, and the Bishop having said unto the people what is directed in the service, the Deacons arrange themselves, and remain together at the outside, and at one end, of the Rails. The Priests then come up, and the Archdeacon presents them in the same manner. And after being presented, and the Bishop having again said what is directed, the Priests place themselves, and remain together, at the other end, apart from the Deacons.

The service then proceeds, the Deacons and Priests arranged as above, kneeling.

After the Epistle, which is read by the Bishop's Chaplain, the Registrar is directed to administer to the Deacons the oath of supremacy. This being administered, the Deacons having made their responses to the questions asked of them by the Bishop, kneel before the Bishop, who, assisted by his Chaplain, then severally ordains them.

This being done, and the Gospel having been read by one of the Deacons, they continue in their places at the altar.

The Bishop then directs the oath of supremacy to be administered to the Priests, who, after making their responses, and then kneeling, are severally ordained in order, and thus remain until the Sacrament is administered, which is received by those who are ordained.

The Priests have the imposition of the hands of two Priests besides those of the Bishop.\*

The letters of orders are made out by the Registrar, and are signed the same day, if not Sunday, or the succeeding or other day as convenient, and are delivered or sent to the parties by the Bishop.

Those who are ordained, are licensed to officiate afterwards by the Bishop, at the Churches or places to which they are nominated, and attend on the day appointed to them for the purpose of being so licensed.

\* In the Ordinations held by the present Metropolitan, he has been assisted in the laying on of hands by those Priests, who attended at the examination of the Candidates, and who have amounted in number to three at the least.

On the subject of these licenses, Candidates will find information in the 6th Chapter herein.

## SECTION 5.

### OF THE OFFICES AND DUTIES OF DEACON AND PRIEST AFTER ORDINATION.

*Office of Deacon.*

It appertaineth to the office of a Deacon in the Church where he shall be appointed to serve, to assist the Priest in divine service, and specially when he ministereth the Holy Communion, and to help him in the distribution thereof; to read the Holy Scriptures and Homilies in the Church, and to instruct the youth in the Catechism.\* In the absence of the Priest the Deacon is to baptize infants; and to preach, if he be licensed thereto by the Bishop himself. And

\* Instructors in the Catechism are termed Catechists, who, in India, constitute an intermediate class of teachers between Missionaries and School-masters, not in Holy Orders, though very often Candidates for admission to them. At Bishop's College the following are the Rules to be observed by such as look forward to become Candidates for orders in the Indian Dioceses:—

"Every Scholar, who shall have completed the term of his Education in the College, shall be removed to such station as may be appointed for him, to be there employed as a Catechist under the principal Missionary of that station; to assist in the labours of the Mission; to act as a School-master where no other is appointed; and to prosecute his studies with a view to his being admitted, at the proper age, and if duly qualified, into Holy Orders."

"The Catechists of the Incorporated Society [for the Propagation of the Gospel in Foreign Parts,] shall, on having attained the age of twenty-two years and six months, and having forwarded the requisite Testimonials, be readmitted into the College under the name of \*Probationers, and shall remain there until ordained Deacons; and being so ordained, they shall continue in the College until they are of age to be ordained Priests; and being ordained Priests, they shall repair, being first licensed by the Bishop, to the stations respectively assigned to them, in the character and with the salary of Missionaries; and any Probationer, not being approved and ordained by the Bishop a Priest, shall return to his station as a Catechist, and there remain until he shall be duly qualified. If any Probationer, being a Candidate for the orders of a Deacon, shall not be found duly qualified at his first examination, he shall be permitted to remain in the College three months after such examination; and, if he then be not approved by the Bishop, shall return to his station as a Catechist."

"Any Student educated at the College having attained the age of twenty-two years and a half, and being desirous of qualifying himself for the discharge of his office as Missionary, may be re-admitted with the permission of the Visitor, for the purpose of preparing himself for Holy Orders in the manner provided for in the case of the Society's Probationers."

furthermore, it is his office, where provision is so made, to search for the sick, poor, and impotent people of the Parish, and to intimate their estates, names, and places where they dwell, unto the Curate, that by his exhortations they may be relieved with the alms of the Parishioners or others. *Rubric, in the form of Ordination.*

So far the office of a Deacon is to be collected from the Rubric in the form of Ordination, and from the form itself. And forasmuch as he is thereby permitted to baptize, to catechize, to preach, to assist in the administration of the Lord's Supper, so also, by parity of reasoning, he hath used to solemnize matrimony, and to bury the dead. *Wats. c. 14.*

And, in general, it seemeth that he may perform all the other offices in the Liturgy which a Priest can do, except only consecrating the Sacrament of the Lord's Supper, (as hath been said,) and except also the pronouncing of the absolution ; the reasons for which, may be found in *Burn, vol. 3, p. 45.*

A Priest, by his Ordination, receiveth authority to preach <sup>of the office of</sup> <sub>Priest.</sub> the word of God, and to consecrate and administer the Holy Communion in the congregation, where he shall be lawfully appointed thereunto.

Yet, notwithstanding, by Canon 36, he may not preach without a license, either of the Archbishop, or the Bishop of the Diocese where he is placed, under their hand and seal. *Burn, vol. 3, p. 46.*

By Canon 76, no man, being admitted a Deacon or Minister, shall from thenceforth voluntarily relinquish the same, nor afterward use himself in the course of his life as a Layman, upon pain of excommunication.

Office of Deacon and  
Priest not to be relinquished upon pain of  
excommunication.

The subject of licensing the Catechists, and placing them under Episcopal Regulation, has been long under Bishop Wilson's consideration. Some few Rules and the form of license were drawn up and submitted, but the subject stands over for the present.

In his charge of 1838, the present Metropolitan, thus remarks :—

“ It is of great importance to the purity of the faith, and the safety of our Missions, that unordained persons should not intrench even unwittingly on the peculiar duties of the Deacon and Presbyter, and this would seem to be best provided for by their being placed in relation with the Ordinary.

“ I mentioned the subject in my last charge, and have been long considering what measures could best be taken under the direction of the Archbishop, and in communication with the respective Societies, for carrying them into effect.”

Exhibiting letters of  
orders at Visitations.

**Canon 137.** Every Parson, Vicar, and Curate, shall at the Bishop's first visitation, or at the next visitation after his admission, shew and exhibit unto him his letters of Orders to be by him allowed, (or if there be just cause, disallowed,) and registered, and being by him approved, to be signed by the Registrar.

## SECTION 6.

### FORMS RELATING TO ORDINATION IN THE DIOCESES IN THE EAST INDIES.

No. 1.  
Registrar's notice to be inserted in the public papers.

Notice is hereby given, that the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_, will hold an Ordination at \_\_\_\_\_ in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ and that divine service will commence at \_\_\_\_ o'clock. Of which Candidates for orders for the Diocese of \_\_\_\_\_ are requested to take notice.

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No. 2.  
Form of Clergyman's notice or "si quis," and of the certificate of the same having been published in the Church where the candidate usually resides, to be presented by the candidate.

Notice is hereby given, that *A. B.* (if any academical degree, add the same) of \_\_\_\_\_ now resident in \_\_\_\_\_ intends to offer himself a Candidate for the holy office of Deacon (or Priest) to be exercised within the limits of the Diocese of \_\_\_\_\_ at the ensuing ordination of the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_, and if any person knows any just cause or impediment for which he ought not to be admitted into Holy Orders for the Diocese aforesaid, he is now to declare the same, or to signify the same forthwith to the Lord Bishop.

No. 3.  
Certificate of the above.

We do hereby certify, that the above notice was publicly read by the undersigned \_\_\_\_\_ in the Church at \_\_\_\_\_ during the time of divine service, on Sunday the \_\_\_\_\_ day of \_\_\_\_\_ and no impediment alleged. Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

" *A. B.* Minister and Chaplain.  
*C. D.* A resident or other respectable person.

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No. 4.  
Certificate of baptism.

Certificate of the Candidate's baptism, or some satisfactory document that the party has attained the age of 23 years, (if a Deacon), or 24, (if a Priest), and of his names and degree, the form of which certificate may be rendered very simple.

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No. 5.  
Form of letters testimonial.

To the Right Reverend Father in God, Lord Bishop of \_\_\_\_\_ : Whereas our beloved in Christ \_\_\_\_\_ hath declared unto us his intention of offering himself a Candidate for the Holy Order of \_\_\_\_\_

for the purpose of taking on himself the cure of souls within the limits of the Diocese of \_\_\_\_\_, and officiating and residing within the same for that purpose, and for that end hath requested our letters testimonial of his good and honest life and conversation, and other qualifications to be granted to him; we, whose names and seals are hereunto set, do testify by these presents, that we have personally known the life and behaviour of the aforesaid \_\_\_\_\_ for the space of \_\_\_\_\_ years, now last past, and that he hath, during the said time, been a person of good and honest life and conversation; and that he professeth the doctrine and discipline of the United Church of England and Ireland; and we do believe in our consciences that the said \_\_\_\_\_ is qualified and worthy to be admitted (if it shall so please your Lordship) to the sacred order of \_\_\_\_\_. Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

[To be signed by three Clergymen.]

To the Right Reverend Father in God \_\_\_\_\_ by divine permission Lord Bishop of \_\_\_\_\_.

These are to certify your Lordship that we \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ do hereby nominate and appoint \_\_\_\_\_ who is [or "not," "as may be"] a British subject, to perform the office of a Minister and Chaplain ["and as a Missionary" if it be so] at \_\_\_\_\_ within the limits of your Lordship's Diocese of \_\_\_\_\_, and do promise to maintain him, and for that purpose to allow to him no less than the yearly sum of \_\_\_\_\_ and so to continue the same, unless for any fault by him committed, he shall be lawfully removed or interdicted to officiate; and we do hereby declare that we do not fraudulently give this Certificate to entitle the said \_\_\_\_\_ to receive Holy Orders, but with a real intention to continue and employ him as above, within the limits of your Lordship's Diocese. Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_

No. 6.  
Form of nomination  
and agreement to  
maintain the party  
nominated.

A. B.

C. D.

I \_\_\_\_\_ now residing at \_\_\_\_\_ in the Archdeaconry and diocese of \_\_\_\_\_ do hereby declare that it is my purpose to be ordained for the cure of souls, within the limits of the diocese of \_\_\_\_\_ and do hereby promise, engage, and agree, to and with, the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_ and his successors, Bishops of \_\_\_\_\_ that if so ordained I will faithfully, diligently, and to the best of my power and ability, perform the office of a \_\_\_\_\_ for the cure of souls, within the limits of the diocese of \_\_\_\_\_ and will reside and officiate in that capacity for that purpose within the limits of the said diocese of \_\_\_\_\_. Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

No. 7.  
Declaration & agree-  
ment to perform the  
office of a minister  
within the Diocese  
only.

A. B.

No. 8.  
Letters of Deacon's  
Orders.

By the tenor of these presents, We \_\_\_\_\_ by divine permission Bishop of \_\_\_\_\_ make known unto all men, that on \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ We, the Bishop before-mentioned, solemnly administering holy orders under the protection of the Almighty in our Cathedral Church of \_\_\_\_\_ did admit our beloved in Christ \_\_\_\_\_ within our diocese and jurisdiction, of whose virtuous and pious life and conversation, and competent learning, and knowledge in the Holy Scriptures we are well assured, into the holy order of Deacons, according to the manner and form prescribed and used by the Church of England; and him the said \_\_\_\_\_ did then and there, rightly and canonically, ordain Deacon for cure of souls, within the limits of our diocese and jurisdiction of \_\_\_\_\_ only, he having first in our presence freely and voluntarily subscribed to the Thirty-nine Articles of Religion, and to the three Articles contained in the Thirty-sixth Canon, and likewise having taken the oaths appointed by law to be taken. In testimony whereof, We have caused our episcopal seal to be hereunto affixed, the day and year above written, and in the \_\_\_\_\_ year of our consecration.

No. 9.  
Letters of Priest's  
Orders.

By the tenor of these presents, We \_\_\_\_\_ by divine permission Bishop of \_\_\_\_\_ make known unto all men, that on \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ We, the Bishop before mentioned, solemnly administering holy orders under the protection of the Almighty in our Cathedral Church of \_\_\_\_\_ did admit our beloved in Christ \_\_\_\_\_ within our diocese and jurisdiction, of whose virtuous and pious life and conversation, and competent learning and knowledge in the Holy Scriptures we are well assured, into the holy order of Priests, according to the manner and form prescribed and used by the Church of England; and him the said \_\_\_\_\_ did then and there, rightly and canonically, ordain Priest for cure of souls within our diocese and jurisdiction of \_\_\_\_\_ only, he having first in our presence freely and voluntarily subscribed to the Thirty-nine Articles of Religion, and to the three Articles contained in the Thirty-sixth canon, and likewise having taken the oaths appointed by law to be taken. In testimony whereof, We have caused our episcopal seal to be hereunto affixed, the day and year above written, and in the \_\_\_\_\_ year of our consecration.

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OATHS.

1. *Of Allegiance.*

I \_\_\_\_\_ now to be ordained  $\left\{ \begin{array}{l} \text{Deacon} \\ \text{or} \\ \text{Priest} \end{array} \right\}$  within the limits and jurisdiction of the Diocese of \_\_\_\_\_ do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria \_\_\_\_\_ the \_\_\_\_\_ So help me God.

**2. Supremacy.**

I ——— now to be ordained [Deacon or Priest] within the limits and jurisdiction of the Bishop of ——— do swear, that I do from my heart abhor, detest and abjure, as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects or any other whatsoever, and I do declare that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within Her Majesty's Realm.

So help me God.

**3. Canonical obedience.**

I ——— now to be ordained [Deacon or Priest] within the limits and jurisdiction of the Bishop of ——— do swear that I will pay true and canonical obedience to the Lord Bishop of ——— and his successors in all things lawful and honest.

So help me God.

**SUBSCRIPTIONS.**

I ——— now to be ordained [Deacon or Priest] within the limits and jurisdiction of the Right Reverend the Lord Bishop of ——— do willingly and *ex anima*, subscribe to the Thirty-nine Articles of the Church of England, and to all things that are contained in them, this ——— day of — in the year of our Lord —

*A. B.*

I, the above named ——— do declare, that I will conform to the Liturgy of the Church of England as it is now by law established.

*A. B.*

***The three Articles.***

First—That the Queen's Majesty, under God, is the only Supreme Governor of this realm and of all other Her Majesty's dominions and countries, as well in all spiritual or ecclesiastical things or causes as temporal, and that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, ecclesiastical or spiritual, within Her Majesty's said realm, dominions, and countries.

Second—That the Book of Common Prayer, and of ordering of Bishops, Priests, and Deacons, containeth nothing in it contrary to the word of God, and that it may lawfully be used: and that I will use

the form in the said book prescribed in public prayer and administration of the Sacraments, and none other.

Third—That I allow the book of Articles of Religion, agreed upon by the Bishops and Archbishops of both provinces and the whole Clergy, in the convocation holden at London, in the year of our Lord one thousand five hundred and sixty-two, and that I acknowledge all and every the Articles therein contained, being in number nine-and-thirty, besides the ratification, to be agreeable to the word of God.

I ——— do willingly and *ex animo*, subscribe to these three Articles above-mentioned and to all things that are contained in them, the — day of — in the year of our Lord —

A. B.

On the — day of — these subscriptions were made before me  
at —

*To be signed by the Bishop or Commissary.*

Which I attest,

D. Reg.

## CHAPTER IV.

### CONFIRMATION IN THE DIOCESES IN THE EAST INDIES.

#### SECTION 1.

##### OF CONFIRMATION GENERALLY.

Before entering upon the particulars relative to this primitive rite, we will proceed, by way of introducing the subject more familiarly to our readers, to notice, what is laid down concerning Confirmation in general, considered as one of the rites of the Church.

Confirmation as administered in the Church of England, consists in the Bishop's giving his blessing to those who have been previously baptized, accompanied by imposition of hands.

"*Imposition of hands* is a part of the rite for which there is the plain authority of Apostolic example. St. Paul speaks of the 'laying on of hands' in immediate connexion with the doctrine of Baptism, (Heb. vi. 3.) When St. Peter and St. John had preached to the Samaritans, 'They laid their hands on them, and they received the Holy Ghost,' (Acts viii. 14.) In the same manner St. Paul laid his hands on the disciples at Ephesus (Acts xix. 6.) And innumerable allusions to this rite in accounts of the early Church plainly shew, that it continued to be regarded as a custom, which ought to be observed in conformity with these primitive sanctions. But, however venerable it may be as an Apostolic and significant form of blessing, it possesses not the characteristics which are deemed necessary to constitute a Sacrament. Our Church therefore while it retains Confirmation as a useful and important ceremony, numbers it not with the Sacraments; and insists upon its being received, not as resting on a direct command of Christ, but as an ordinance of the Church, acting by the example of the Apostles, and of Apostolic men and

Churches in the purest times of the Gospel." See *Stebbing's Notes to the Common Prayer*.

Confirmation is now regarded by the Church not only as confirming and augmenting the blessing given at Baptism, but as confirming by a personal and publick confession the faith of the Baptized. Hence the rite is properly deferred till the candidate is of an age to understand the principles of the faith he professes at confirmation, and the sacred duties, for the performance of which, he becomes responsible on publicly ratifying and confirming in his own person the vows made for him by others at his Baptism.

Consistently with this account, it is thus laid down :—

By the canons every Bishop to observe the custom at his visitation.

By Can. 60; forasmuch as it hath been a solemn, ancient, and laudable custom in the Church of God, continued from the Apostles' times, that all Bishops should lay their hands upon children baptized, and instructed in the Catechism of the Christian religion, praying over them, and blessing them, which we commonly call Confirmation; and that this holy action hath been accustomed in the Church in former ages, to be performed in the Bishop's visitation every third year, we will and appoint that every Bishop or his Suffragan, in his customed visitation, do in his own person, carefully observe the said custom: and if in that year, by reason of some infirmity, he be not able personally to visit, then he shall not omit the execution of that duty of Confirmation the next year after, as he may conveniently.

The following extracts from the Letters Patent are now given :—

## SECTION 2.

*Extracts from the Letters Patent concerning confirmation,  
and the authority to confirm granted to the Bishops in these  
Dioceses.*

By the Letters Patent of the Crown of the 2d day of May 1814,\* express power is given and granted to the Bishop of Calcutta and his successors, Bishops of Calcutta, "to confirm those that are baptized and come to years of discretion."

And the same authority is given to the Bishop of Madras and his successors by the Letters Patent of the 13th June 1835.†

The like power also is given to the Bishop of Bombay, and his successors by the Letters Patent of the Crown of the 1st October 1837.‡

## SECTION 3.

THE OFFICE OF CONFIRMATION BY THE RUBRIC AND  
CANONS.

In the office of Public Baptism, the Minister directeth the godfathers and godmothers to take care the child be brought to the Bishop, to be confirmed by him, so soon as he or she can say the Creed, the Lord's Prayer, and the Ten Commandments; and be further instructed in the Church Catechism, set forth for that purpose.

And, by the Rubric before the Office of Confirmation, so soon as children are come to a competent age, and can say in their mother tongue, the Creed, the Lord's Prayer, and the Ten Commandments, and also can answer to the other questions of the Catechism, they shall be brought to the Bishop.

And by the Rubric at the end of the Office for the Administration of Baptism to such as are of riper years, it is expedient that every person so baptized shall be confirmed

\* Vide Page xi, *ante.*

† Page xxxvii, *ante.*

‡ Page lv, *ante.*

by the Bishop, so soon after his Baptism as conveniently may be ; that so he may be admitted to the Holy Communion.

No persons to be presented unless they can give an account of their faith, &c.

By Can. 61 ; every Minister that hath cure and charge of souls, for the better accomplishing of the orders prescribed in the Book of Common Prayer concerning Confirmation, shall take especial care that none shall be presented to the Bishop, for him to lay his hands upon, but such as can render an account of their faith, according to the Catechism in the said book contained ; and when the Bishop shall assign any time for the performance of that part of his duty, every such Minister shall use his best endeavour, to prepare and make able, and likewise to procure as many as he can to be then brought, and by the Bishop, to be confirmed.

Lists to be made by the Ministers of those to be confirmed.

And by the Rubric, whensoever the Bishop shall give knowledge for children to be brought unto him for their Confirmation, the Curate of every parish shall either bring or send in writing, with his hand subscribed thereunto, the names of all such persons within his parish, as he shall think fit to be presented to the Bishop to be confirmed : and if the Bishop approve of them, he shall confirm them according to the form in the Book of Common Prayer.

And every one shall have a godfather or a godmother, as a witness of their Confirmation. *Rubr.*

And no person shall be admitted godfather or godmother to any child at Confirmation, before the said person so undertaking hath received the Holy Communion. *Can. 29.*

By the Rubric at the end of the office of Confirmation there shall be none admitted to the Holy Communion until such time as they be confirmed, or be ready and desirous to be confirmed.

#### SECTION 4.

##### PROCEEDINGS AND OTHER PARTICULARS AS OBSERVED IN HOLDING A CONFIRMATION IN THE INDIAN DIOCESES.

Proceedings at confirmations in the Indian Dioceses.

In general, Confirmations in the Indian Dioceses, have been hitherto held at the times of episcopal visitation ; of which proceeding, and the time and place of holding the same, due notice is publicly given ; and a circular letter is usually

addressed by the Bishop to the different Clergy concerned, sometime before, apprizing them of his purpose, and exhorting them as to their duty on the occasion.

The following was the style of letter and exhortation adopted by Bishop Middleton :—

*Calcutta,*

REVEREND SIR,

Intending by Divine permission to hold a Confirmation at \_\_\_\_\_ in the early part of \_\_\_\_\_ next, on a day to be hereafter specified, you are requested to read from the desk an exhortation, of which the Archdeacon will supply you with a copy, in your Church, before the morning sermon, on every preceding Sunday; filling up the blanks according to the occasion.

Bishop Middleton's  
letter to the Clergy  
previous to holding  
a confirmation

I entreat you, at the same time, to instruct those who are committed to your care, both publicly and privately, in the nature and benefits of Confirmation; and to dispose such of them to apply for it as, having been baptized, and being fourteen years of age, or upwards, have not been confirmed already; and to prepare them diligently for receiving it; using your best endeavours, that they may not only be able to repeat their baptismal vows and the rest of the Catechism, but may attain to a competent understanding of the doctrines and precepts of the Christian Religion, and come with a serious resolution to take upon themselves the profession and practice of them. I desire also that you will charge them to behave decently and reverently during the service; to give due attention; to make their proper answers audibly; and to continue kneeling in their places, till they are dismissed with the blessing. Lastly, I beg that you will earnestly exhort them to proceed, within a reasonable time, to the Holy Communion; and to endeavour to preserve ever afterwards a strong sense of those things, which, at their Confirmation, they acknowledge themselves bound to believe and do. I pray God to bless you and all that are under your care, and

I am, Reverend Sir,

Your affectionate Brother and Servant.

— — — CALCUTTA.

*The Clergyman's Notice and Exhortation.*

DEARLY BELOVED BRETHREN,

I am directed by the Bishop of this diocese to give notice, that he Bishops Middleton's purposes by Divine permission, to hold a Confirmation in \_\_\_\_\_ some notice and exhortation to be read in time in \_\_\_\_\_ next, on a day to be hereafter specified. Churches.

I must therefore remind parents and guardians, and the conductors of schools, to teach the young persons committed to their charge, or the parties themselves, if of riper age, to consider how incumbent it is upon them, according to the injunction of our Church, to renew, in their own persons, the vows and promises made by others for them in their baptism, by this solemn rite of confirmation.

For which end, it will be expedient for them, especially to read over with due attention the office for baptism in the Common Prayer; and consider, both the blessings which belong to that holy ordinance, and the engagements to which all Christians are subject by virtue of it, and to come to this rite, with a just sense of the promises of the Christian covenant, and of the duties enjoined by it.

And that they may come to the same with purity of heart and sincerity of mind, it is further necessary, that they look back upon their past lives, repent of all their known sins, and form a resolution of amending their lives for the future, and conforming to the rules of Christian obedience.

Thus prepared, I must desire you, that are to offer yourselves, to come to me at \_\_\_\_\_ and give me such account of your knowledge of the Christian Religion, as is contained in the Church Catechism, in order that you may receive the ticket necessary for your admission. I shall expect proofs of your faith in the same, and of your reliance upon it for your future Salvation; that I may, with a good conscience, present you to the Bishop, to be confirmed by him.

Remember above all, that, in this ordinance, the chief part is your own; that you enter solemnly into covenant with God, by the responses which you are directed to make, after which, according to the practice of the Apostles, and the usage of the Church, you are to be blessed by the Bishop, and strengthened by his prayers. Performing then your part well, doubt not but God will bless the work, and persevering in this course, you may assuredly believe that you will, through the merits of your Redeemer enjoy the privileges, and the comforts of the Gospel, while, you remain in this world, and be admitted hereafter into those everlasting mansions which God hath prepared for his children.\*

What notice given; tickets, and order of proceeding. The exhortation as above has been usually read by the Minister and Chaplain on at least four Sundays prior to the day of Confirmation. Preparatory to the day fixed, Tickets are signed by the Minister or Chaplain, and given

- \* The present Metropolitan's Letter and address have been as follow:—  
*To the Reverend* \_\_\_\_\_ *at* \_\_\_\_\_ *Bishop's Palace, Calcutta.*

REVEREND SIR,  
Intending by God's permission to hold a Confirmation at \_\_\_\_\_, I request you to read the following notice and exhortation before the Morning Sermon on as many preceding Sundays as you may judge best, filling up the blanks according to the occasion.

The most proper age for Confirmation is considered to be sixteen, but none should be presented under fourteen years of age.

It is also requested, that you will charge the younger members of your flock, who may present themselves for confirmation, to behave decently and reverently in Church, to give due attention to the exhortation and service, to make their answers in an audible voice; and, after Confirmation, to return home quietly and in good order.

to each candidate as examined and approved, and which have been as subjoined :—

*"A. B. examined for Confirmation by me, C. D. Minister  
or Chaplain at —— dated the —— day of ——."*

At Confirmations held in the Cathedral at Calcutta, it has been customary for those who are to be confirmed, to assemble in the Cathedral, on the day appointed for the ceremony, and to arrange themselves apart from the Congregation. The proceedings followed at Calcutta on holding a confirmation.

On the day of the Confirmation, Morning Prayer is performed. After which the Bishop proceeds to his Chair, within the Communion Rails, accompanied by his Chaplain. The Service for Confirmation is then read.

I also earnestly request you within a short period after Confirmation, to appoint a day for the celebration of the Holy Communion with a particular view to the young persons recently confirmed; and in the interval to assist them in the needful preparation of mind, explaining the spiritual blessings conveyed by this Sacrament to the duly prepared communicant, and its great importance as a means of Grace and Salvation.

I pray God to bless you and all that are under your care, and am,  
Your affectionate Brother and Servant,

DANIEL CALCUTTA.

The Clergy are requested to deliver to the Bishop's Chaplain, before the Confirmation begins, a list of those who are brought to be confirmed, specifying their respective names and ages, and also to give to each person approved by them, a ticket in the following form :—

CALCUTTA.		
A. B.	Confirmation is aged ——.	Years
Examined and approved by me		
Minister or Chaplain.		

*Address to be read in Church, when notice is given of Confirmation.*

I am desired to give notice, that the Lord Bishop of Calcutta will be ready to confirm such young persons of this ——, as shall be duly prepared.

It is therefore my duty to exhort the younger members of my flock who are of age to understand the nature of the engagements made for them at their Baptism, to embrace that opportunity of publicly ratifying and confirming the same, in order that they may enter fully into the Christian covenant, and that by imposition of hands and by prayer, agreeably to the example of the Apostles and the practice of the Church in all ages, they may obtain the benediction of God's Holy Spirit, and be confirmed in grace and goodness.

Let me therefore remind Parents, Godfathers, and Godmothers, that for all children baptised and received into the Church a pledge is given, or implied, on the part of their Sponsors, that they shall be brought to the Bishop to be confirmed by him, so soon as they shall have been taught the rudiments of the Christian faith.

This promise they are now called upon to fulfil. It is their part and duty to provide that the children for whom they have answered, should first be competently instructed in God's word and will; and then make in presence of the Church, and assisted by its prayers, a solemn pro-

As many of the Candidates, as there is room for, are at the proper time then conducted by the officiating Clergy and placed before the Bishop at the Rails, around which they arrange themselves, and where they all kneel. The Bishop's Chaplain then collects from each person, the ticket as above. After which the Bishop proceeds to confirm them. When the whole have been confirmed at the Rails, they return to their places in the Church, and others come up in succession, until all have received the rite.

When all have been confirmed and have returned to their seats, the Bishop delivers, from his Chair, to those who are thus confirmed, a charge ; and the service concludes with the Blessing.

*Form of Notice of Confirmation.*

Notice is hereby given that the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_, purposes to hold a Confirmation in the \_\_\_\_\_ Church of '\_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next. Divine Service will commence at \_\_\_\_\_ o'clock.

Candidates for Confirmation are requested in the mean time to apply to their Minister or the Officiating Chaplain of the station or district for the purpose of being examined.

*A. B. Registrar.*

ession of their devotion to that Master, by whom alone they can obtain forgiveness of sin, overcome the present world, and at length inherit the kingdom of heaven.

And I earnestly exhort *you* who are of age to profit by this solemn rite, to consider that as you have been admitted by baptism into the Church of Christ, so it is only by striving first to understand, and then to feel deeply in your hearts, the importance of your baptismal promises, that you can prove yourselves his true disciples, or enjoy the inestimable blessings which he has purchased for you. He requires from you all an open and sincere avowal of your repentance for sin and faith in Him, to be followed by a holy and religious life; and he promises you the grace of His Holy Spirit, that you may continue his faithful servants till your lives' end.

If therefore you are not ashamed of the religion of Jesus Christ, if you are ready to confess and not to deny him before men, you will come forward and openly declare your belief and trust in him, and promise to be obedient to His Holy Gospel. This when you have done, the Bishop, after the example of the Apostles, will lay his hands upon you, earnestly beseeching Almighty God, for the sake of His dear Son, to give you His Holy Spirit, to defend you with His Heavenly grace, and finally to bring you to His everlasting kingdom: and doubt not, but earnestly believe, that if you yourselves come with serious intentions and holy resolutions, his prayers and those of the congregation in your behalf, will be heard, and the gifts of the Spirit poured out upon you to your great and endless comfort.

In order that I may, with a safe conscience, present you to the Bishop to be confirmed, I must desire you to come to me at \_\_\_\_\_, on \_\_\_\_\_ next at \_\_\_\_\_ o'clock, that I may examine you, as to the state of your religious knowledge, and give you such further instructions as may be necessary.

\* The above letter and address were chiefly taken, as the Author is informed, from those now in use in the Diocese of London, as somewhat more detailed.

## CHAPTER V.

### OF THE ARCHDEACONS IN THE EAST INDIES, AND THEIR APPOINTMENTS UNDER THE LETTERS PATENT OF THE CROWN.

#### SECTION I.

WE have in the two preceding Chapters discussed in a practical view, the leading and principal functions belonging to the Episcopal office in the East Indies, namely, those of ordaining, and confirming, and which are expressly granted, as has been shewn, to the Bishops in India.

Before we proceed to treat of the next authority as possessed, namely, that of licensing the Clergy to officiate at all Churches or Chapels wherein Divine Service is celebrated according to the rites and liturgy of the Church, (the discussion of which will form the principal portion of the following Chapter,) we give what relates to the Archdeacons, and their appointments.

The Letters Patent of the 2nd May, A. D. 1814,\* after previously setting forth that, for the accomplishing of the intentions on the part of the Crown, and for aiding the Bishop, according to the laws and customs of the United Church of England and Ireland, in the due and canonical superintendence of ecclesiastical persons and affairs, go on to create the three Archdeaconries of Calcutta, Madras, and Bombay, as laid down, and proceed to nominate and appoint, Henry Lloyd Loring, A. M. to be the Archdeacon of the Archdeaconry of Calcutta; John Mously, A. M. to be the Archdeacon of the Archdeaconry of Madras; and George Barnes, A. M. to be the Archdeacon of the Archdeaconry of Bombay. And by the Letters Patent of the 27th September, A. D. 1817,† creating the Archdeaconry of Colombo, Thomas James Twisleton, A. M. is appointed Archdeacon of that Archdeaconry. All these appointments are made subject to the power

Letters Patent of the  
2nd May, A. D. 1814.

As to the Archdeaconries of Calcutta, Madras, and Bombay.  
The appointments.

Letters Patent of the  
27 September, 1817,  
as to Colombo.

The appointment.

of revocation or resignation, as in the several Letters Patent expressed.

Under the alterations. Under the alterations of the Act of 3d and 4th Will. iv, Cap. 85,\* and the Letters Patent of the 13th June, A. D. 1835,† and 1st October, A. D. 1837,‡ the Archdeaconries of Madras and Colombo are made respectively subject to the See and Diocese of Madras; and the Archdeacon of Bombay, to the See and Diocese of Bombay; with Metropolitan jurisdiction in the Bishop of Calcutta over all of them as already mentioned.

The duties.

With regard to the duties and functions to be exercised by the several Archdeacons thus appointed, and subjected, it is further declared in the several Letters Patent, that each shall within his Archdeaconry, be aiding and assisting to the Bishop of the See and Diocese under whom he officiates, in the exercise of such Episcopal jurisdiction and functions as had been limited to the Bishop.

Are the Commissaries of the respective Bishops.

The several Letters Patent further ordain, that each of the Archdeacons shall be and be taken to be without further appointment the Commissary of the Bishop, and shall exercise jurisdiction in all matters limited to the Bishop according to the duty and functions of a Commissary by the Ecclesiastical Law, and as by the Bishop they shall be thereunto specially authorized.

For their functions as Commissaries, the reader is referred to the last Chapter of this book.

The Archdeacons residence in India in case of being appointed Bishop.

By the 3d and 4th Will. iv, Cap. 85, Sect. 98, it is enacted that, if any person now an Archdeacon in the British Territories in the East Indies shall be appointed Bishop of Madras or Bombay, the period of his residence in India as such Archdeacon shall, for all the purposes of that act, be accounted for and taken as a residence as such Bishop.

No Archdeacon of Calcutta, Madras, or Bombay to receive more than 3000 Rs. per annum.

And by the same Act, it is also enacted, that no Archdeacon to be appointed for the Archdeaconry of Calcutta, Madras, or Bombay, shall receive, in respect of his Archdeaconry, any salary exceeding 3000 Sicca Rupees per annum, provided always as in that Act is further contained.

By the 4th Geo. iv, Cap. 71, it is also enacted "that if any person residing any time in the East Indies or parts aforesaid as one of the Chaplains of the said United Company shall have been or shall be appointed to the office of such Archdeacon as aforesaid, and shall have resided in the East Indies or parts aforesaid as such Archdeacon seven years, the period of residence of such person as Chaplain shall be accounted and taken as and for a residence as such Archdeacon, in the proportion of three years residence as such Chaplain to two years residence as such Archdeacon; provided also, that nothing therein contained shall extend or be construed to extend to prejudice the right of any person, being or having been a Chaplain of the said United Company, or their Court of Directors; nor to prejudice or affect the right of the said United Company or their Court of Directors to make, repeal, vary, or alter, any regulations respecting the Chaplains of the said United Company or the pay, allowances, pensions, or retirements of such Chaplains, which the said United Company or their Court of Directors may now lawfully make, repeal, vary, or alter."

The recent Acts do not appear to have repealed in terms the following Provisions of the 4th Geo. iv, Cap. 71, § 3d and 4th, and the 53rd Geo. III, Cap. 55, § 89, as to the pensions and outfit of Archdeacons.

By the last mentioned Act, £ 500 is allowed to each Archdeacon for his outfit, if in England at the time of his appointment; and by the former act, as to the pension, it is enacted in the 3d Section, that, to any Archdeacon who shall have exercised in the East Indies for ten years the office of Archdeacon, he shall be allowed a pension not exceeding the sum allowed in the act of the 53d Geo. III, Cap. 155, viz. £ 800 per annum. And by the 4th Section it is enacted that, if any person so residing as one of the Chaplains shall be appointed to the office of such Archdeacon and shall have so resided as such Archdeacon seven years, the period of residence of such person as Chaplain shall be accounted and taken as and for a residence of such Archdeacon in the proportion of three years residence as such Chaplain to two years residence as such Archdeacon; provided also that nothing therein contained shall extend or be construed to extend to prejudice the right of any

The period of residence of Chaplains in case of their being appointed Archdeacons.

Pensions as to Archdeacons and their outfit.

Chaplain to any benefit he may be entitled to as such Chaplain, as therein mentioned, nor to affect the right of the Company to make or repeal any Regulations.

By the Letters Patent of the 2nd May 1814, the right of collating and instituting to the Archdeaconry of Calcutta is granted to the Bishop of Calcutta;\* that of Madras to the Bishop of Madras; and that of Bombay to the Bishop of Bombay. The appointment to the Archdeaconry of Colombo remains in the gift of the Crown.

Proceedings instituted against.

Any proceedings instituted against the Archdeacon of Calcutta are required to be carried on before the Commissioners delegate as appointed, and the sentence to be transmitted by the Bishop of Calcutta to the Governor General in Council.

*See Letters Patent of the 2nd May, A. D. 1814.*†

Any proceedings instituted against the Archdeacon of Madras are required to be carried on before the Bishop of Madras, who is directed to take cognizance of the same.

In case of deprivation or suspension or other censure, a copy of the sentence, in the instance of the Archdeacon of Madras, is required to be transmitted to the Government of Madras.

*Letters Patent, 13th June A. D. 1835.*‡ And in the case of the Archdeacon of Colombo, to the Government of Ceylon.

*Letters Patent, 27th September A. D. 1817.*§

Any proceedings instituted against the Archdeacon of Bombay are in like manner to be carried on before the Bishop of Bombay, and any sentence pronounced to be transmitted by that Bishop or his Commissary to the Government of Bombay. *Letters Patent, 1st October A. D. 1837.*||

An Appeal also lies from these two last to the Bishop of Calcutta as Metropolitan.

The Archdeacons are declared to be respectively bodies corporate with perpetual succession; to be called and known by the names of Archdeacons of Calcutta, Madras, Bombay, Colombo, respectively; and by the names aforesaid capable

To be bodies corporate with perpetual succession by the names of Archdeacon.

\* The present Metropolitan in his charge to the Clergy, delivered July 6th 1838, lays down that the appointment to the Archdeaconry of Calcutta is a matter which by no means goes simply by seniority or supposed merit, but is left to the choice of the Bishop, whose immediate representative, friend, and confidant he is supposed to be. Both seniority and merit being, *ceteris paribus*, alway entitled, however, to a preference in so responsible an appointment.

† Page xi, ante. ‡ Page xxxvii, ante. § Page xxii. ante. || Page lv, ante.

to purchase and hold lands, in fee, or in perpetuity, or for life or years; also to hold personal property, and by their names aforesaid to prosecute and defend. See the several Letters Patent.

## SECTION 2.

### AS TO INSTITUTION, INDUCTION, AND OTHER PROCEEDINGS CONCERNING THE RESPECTIVE ARCHDEACONS IN THE DIOCESES IN THE EAST INDIES.

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The foregoing section has treated of those particulars of the Letters Patent which concern the several Archdeacons; and, as those Archdeacons are respectively directed and commanded to assist the Bishop under whom they officiate in the several Powers limited to the latter according to the duty of an Archdeacon by the Ecclesiastical Law of England, that office will be detailed in the following section.

The particulars to be attended to, before collation, will be set forth under the present head; observing, as already mentioned, that by the Letters Patent, express power is given to the respective Bishops in all times to come, to collate and institute to these Archdeaconries. This is agreeable to the common Ecclesiastical Law which is thus laid down, “Arch-deaconries are commonly given by the Bishops, who do “therefore prefer the same by collation and make Letters “Testimonial thereof.” *Wats. c. 15.*

The Archdeacon of Colombo receives, as has already been noticed, his appointment from the Crown, the Bishop of Madras being directed to institute thereupon, and to do all things necessary in that behalf with effect: whenever therefore the Archdeacon of Colombo has been appointed, an official copy of the Patent has been received from the Government of Ceylon, and the Bishop has then hitherto proceeded to institute, by commission, that Archdeacon.

An Archdeaconry being a promotion in the Church, having jurisdiction annexed, is a Dignity. *Com. Dig. Tit. Ecclesiastical Persons (c. 16.)* citing *Boughton v. Gonsley, Cro. El. 663. Semb. Cont.*

Examination.

An Archdeaconry is also a benefice with cure. *Wats. c. 15.*

And, by Can. 39, no Bishop shall institute any to a benefice who hath been ordained by any other Bishop, except he first shew unto him his letters of orders, and bring him a sufficient testimony of his former good life and behaviour, if the Bishop shall require it; and, lastly, shall appear upon due examination to be worthy of his ministry.

Where there is a mixture of divers languages in any place, the rule of the canon law is, that the person presented do understand the several languages. *Gibs. 807.*

Oath against simony. By Can. 40, every Archbishop, or other person having authority to admit, institute, or collate to any spiritual or ecclesiastical function, dignity, or benefice, shall, before such admission, institution, or collation, minister to every person to be admitted, instituted, or collated, the oath against simony.

Oaths of allegiance  
and supremacy.

By the 1st. Eliz. cap. 1, and 1st Will. cap. 8, § 5. every person who shall be promoted or collated to any spiritual or Ecclesiastical benefice, promotion, dignity, office or ministry, before he shall take upon him to receive, use, exercise, supply, or occupy the same, shall take the oaths of allegiance and supremacy, before such person as shall have authority to admit him.

Oaths of canonical  
obedience.

Also the person to be instituted shall take the oath of canonical obedience in like manner. *Clerk Tit. 91.*

To read himself in  
and subscribe.

Archdeacons, by stat. 13th and 14th Car. 2, cap. 4, are to read the Common Prayer, and declare their assent thereunto, as other persons admitted to Ecclesiastical benefices, and also must subscribe the same before the Ordinary; but they are not obliged to subscribe the thirty-nine articles.

And after such subscription made, every such person, Vicar, Curate, and Lecturer, shall procure a certificate under the hand and seal of the respective Archbishop, Bishop, or Ordinary of the Diocese (or such their Vicar-General, Chancellor, or Commissary) as aforesaid who shall on demand make and deliver the same to be read by him publicly in the Church afterwards.

If the Bishop admit a Clerk as sufficient, he either institutes him in person, or else gives him his *fiat*, and sends him to his Vicar-General, Chancellor, or Commissary, to do it for him. *Johns. 72.*

And not only by Commission in particular cases, but also the general power of granting institution may be delegated by patent to Chancellors or Commissaries ; but this hath not always been judged convenient. *Gibs.* 804.

The form and manner of the institution is, that the Clerk kneeleth down before the Ordinary, whilst he readeth the words of institution out of a written instrument, drawn beforehand for this purpose, with the seal Episcopal appendant, which the Clerk during the ceremony is to hold in his hand. *I Inst. 344. Johns. 74.*

Institution being given to a Clerk, a distinct and particular entry thereof is to be made in the public register of the Ordinary ; that is, not only that such a Clerk received institution on such a day and in such a year, but if the Clerk was presented, then, at whose presentation, and whether in his own right or in the right of another, and if collated or presented by the Crown, then whether in their own right or by lapse. This hath been the practice, as far back as any Ecclesiastical records remain : and it is of great importance that such entries be duly made and carefully preserved, both to the Clerk whose letters of institution may be destroyed or lost, and to the patron whose title may suffer in time to come by the want of proper evidence upon whose presentation it was that institution was given. And it might tend, perhaps, to the better observation hereof, if every Clerk, after having passed the examination of the Ordinary, and thereupon obtained his *fiat*, were sent to the proper office of the Register for his letters of institution. *Gibs. 813.*

The form hitherto observed by the Bishops in India on the institution of an Archdeacon, when they have collated thereto, has been as follows :—

Form of the instituting of Archdeacon in the Indian Dioceses.

*The Bishop takes the letters of institution in his hand, the Archdeacon also having hold of the same, and the latter kneeling, the Bishop repeats,*

“ By these letters we do admit and institute you, the Reverend —  
“ — in the Archdeaconry and Archidiaconal dignity of —  
“ — and do invest you with all the rights, members, privileges, and  
“ appurtenances thereunto belonging.

Effect of institution or collation.

The Clerk, by institution on collation, hath the cure of souls committed to him, and is answerable for any neglect in this point. *Johns. 74.*

Mandate to induct

Last of all, the Ordinary executeth and delivereth to the party instituted a written mandate to the Archdeacon, Minister, or other proper person, to induct. *Johns. 74.*

The Bishops in India direct their mandate of induction to all Ministers and Chaplains generally.

The form of proceeding of an Archdeacon’s induction in the Indian Dioceses after institution, is here added.

Form of induction of Archdeacon in the Indian Dioceses.

*The Induction takes place at the Church in which the Archdeacon has his seat. At the time appointed by him, Divine service is to be performed.*

*He attends at the Church and remains in the Archdeacon’s room. At the conclusion of the second lesson, the Archdeacon is conducted by the officiating Clergy to his chair or seat, when the Senior Clergyman addresses him—*

“ Venerable Sir,

“ By authority of the mandate of the Right Reverend —————  
“ Bishop of ————— I do now induct you, the Reverend —————  
“ as the Archdeacon of ————— by placing you in possession of  
“ this chair and seat, to the Archdeaconry and Archidiaconal dignity  
“ of ————— belonging, and by the last Archdeacon thereof pos-  
“ sessed and used.”

*The Archdeacon will then take his seat, and Divine service continues.*

A memorandum of the induction, and of the date thereof, is signed, by the minister officiating, on the back of the mandate, which is returned to the office of the Registrar to be recorded.

For the *forms* themselves applicable on instituting and <sup>To read the common  
prayer and declare  
assent thereto.</sup> inducing an Archdeacon in the Indian dioceses the reader is referred to *Sect. 6 of this Chapter.*

The Registrar attends, both on the institution and induction, and enters in his register the whole proceeding, and attests the same.

And by the Ecclesiastical law of the realm of England,\* every person who shall be presented or collated, or put into any Ecclesiastical benefice or promotion, shall in the Church, Chapel, or place of public worship belonging to his said benefice or promotion, within two months next after that he shall be in the actual possession of the said Ecclesiastical benefice or promotion, upon some Lord's day, openly, publickly, and solemnly, read the morning and evening prayers appointed to be read by and according to the Book of Common Prayer, at the times thereby appointed or to be appointed; and, after such reading thereof, shall openly and publickly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed, in these words, and no other: "I, A. B. do here declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book intituled the Book of Common Prayer and Administration of the Sacraments, and other rites and ceremonies of the Church, according to the use of the Church of England, together with all the Psalter or Psalms of David, printed as they are to be sung or said in Churches, and the form or manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons."

"And every such person who shall (without some lawful impediment to be allowed and approved by the Ordinary of the place) neglect or refuse to do the same within the time aforesaid (or in the case of such impediment within one month after such impediment removed,) shall *ipso facto* be deprived of all his said Ecclesiastical benefices and promotions, and from thenceforth it shall be lawful for all patrons and donors of all and singular the said Ecclesiastical benefices and promotions, according to their respec-

“tive rights and titles, to present or collate to the same, as  
“though the person or persons so offending or neglecting  
“were naturally dead.”

By the 13 Eliz. c. 12, s. 3, “Every person to be admitted  
“to a benefice with cure, except that within two months  
“after his induction, [or at the same time that he shall read  
“the morning and evening prayer, and declare his assent  
“thereunto, 23, Geo. 2, c. 28,] he do publicly read the said  
“articles in the same Church whereof he shall have cure, in  
“the time of Common Prayer there, with declaration of his  
“unfeigned assent thereunto, shall upon such default be *ipso*  
“*facto* immediately deprived.”

But the same Ecclesiastical Law now declares\* “it hath  
“happened, and may happen, through sickness or other law-  
“ful impediment, that divers persons have been and may be  
“hindered from reading the said articles, and making the  
“said declaration, within the two months, and yet such  
“person after such sickness or other lawful impediment  
“removed hath read or may read the said articles, and hath  
“made or shall make the said declaration ; and it is reasona-  
“ble that such persons should be deemed to have complied  
“with the true intent and meaning of the said act : it is  
“therefore enacted, that every person who hath read or shall  
“read the said articles, and hath made or shall make the said  
“declaration, at the same time that he did read or shall read  
“the morning and evening prayers, and declare his unfeigned  
“assent and consent thereunto, according to the form in 13  
“and 14 Car. II, cap. 4, § 6, shall be and is hereby declared and  
“adjudged to have complied with the true intent and mean-  
“ing of the said act of the 13 Eliz although the same were  
“not or may not be read within the space of two months after  
“such person’s induction into any benefice with cure ; and  
“every such person shall be freed and discharged from any  
“deprivation or other forfeiture by virtue of the said act.”†

Declaration of con-  
formity.

A man deprived for not giving his assent within two months  
is not disabled to be presented *de novo*, and, if a stipendiary  
priest, continues in the exercise of his function after the two

\* Stat. 23 Geo. 2, cap. 28, § 2.

† The present Metropolitan desires that when an Archdeacon is inducted, he  
should, as well as the Chaplains, comply with the statutes on this subject.

months, with the approbation of the nominor and Dean, who ought to approve; this amounts to a new nomination; and giving his assent, &c. at any time is sufficient. *Carver v. Pinkney.* 3 Lev. 83.

By 13 and 14. Car. II, cap. 4, § 11, he shall publickly and openly read the ordinary's certificate of his having subscribed the declaration of conformity to the liturgy of the Church of England, as it is now by law established, together with the same declaration or acknowledgment upon some Lord's day, within three months next after such subscription, in his Parish Church, where he is to officiate, in the presence of the congregation there assembled, in the time of Divine service, upon pain that every person failing therein (without some lawful impediment to be allowed and approved by the ordinary of the place, 23 Geo. II, cap. 28.) shall lose such parsonage, vicarage, or benefice, curate's place, or lecturer's place, respectively; and shall be utterly disabled and *ipso facto* deprived of the same; and the said parsonage, vicarage, or benefice, curate's place, or lecturer's place, shall be void as if he was naturally dead.

A doubt hath been raised whether the design of the act was that the Clerk should only read the Bishop's certificate to the congregation, in testimony of his having subscribed the declaration before him, or whether, after having read the certificate, he should not also make the same declaration again in form before the congregation; which point hath never been judicially determined: but the latter opinion is not only more safe, but hath also been thought more agreeable to the tenor of the act, than the bare reading of the certificate. *Gibs.* 817.

Presuming an Archdeacon to be regularly instituted and inducted, the following may now be mentioned.

### SECTION 3.

#### OF THE OFFICE OF AN ARCHDEACON BY THE ECCLESIASTICAL LAW.

An Archdeacon, (*Archidiaconus*) according to the Ecclesiastical law of England, is defined to be, one that hath Ecclesiastical dignity, and jurisdiction, over the clergy and

Office and duties of an Archdeacon by the law of England.

laity, next after the Bishop, throughout the Diocese, or in some part of it only. Archdeacons had anciently a superintendant power over all the parochial clergy, in every deanery in their precincts, they being the chiefs of the deacons, though they have no original jurisdiction, but what they have got is from the Bishop, either by prescription, or composition; and Sir Simon Degge tells us, that it appears, an Archdeacon is a mere substitute to the Bishop; and that what authority he has is derived from him, *his chief office* being to visit and enquire, and “*Episcopo nunciare,*” &c.

Is the Bishop's substitute.

Is an ordinary.

And an Archdeacon is now allowed to be an Ordinary, as he hath a part of the episcopal power lodged with him. *Gibs. 970; Burn. Eccl. Law, vol. 1, page 95.*

It is one part of the office of an Archdeacon to examine candidates for holy orders, and to induct Clerks, within his jurisdiction, upon receipt of the Bishop's mandate, *2 Cro. 556; 1 Lev. 193; Wood's Inst. 30.*

By canon law hath power to hold visitations.

By the canon law, the Archdeacon is styled the Bishop's Eye, and hath power to hold visitations, (when the Bishop is not there,) and hath also power, under the Bishop, of the examination of Clerks to be ordained, as also of institution and induction; likewise, of correcting, inspecting, and reforming irregularities and abuses among the Clergy; and a charge of all parochial churches within the Diocese: in a word, according to the practice of, and latitude given, by the canon law, to supply the Bishop's room, and as the words of the law are, in all things to be the Bishop's vicegerent. *God. 61.*

To correct  
Visitation, by Archdeacons.

Bishops, in case of sickness or other publick concerns, delegate and give Archdeacons commissions to visit and enquire, and to give them an account of all, at the end of their visitations. And the objects of visitations by the canons are laid down to be, to consider of the state of the Church and religion within the Diocese. *Gibs. 958.*

*Lindwood* says, the Archdeacon, although there be not a cause, may visit once a year. *Lind. 94.*

*Langton.* The Archdeacons in their visitation shall see that the offices of the Church be duly administered.

*Otho.* Concerning Archdeacons; We do ordain, that they visit the Churches profitably and faithfully, by enquiring of the sacred vessels and vestments; and how the service

is performed, and generally of temporals and spirituels, and what they shall find to want correction, that they correct diligently. And they shall instruct the Clergy (amongst other things) to live well ; and to have a sound knowledge and understanding in performing the Divine offices. *Athon.* 52.

And by *Canon* 86, shall survey the churches of his or their jurisdiction ; or cause the same to be done. And, by *Reynolds*, have a diligent regard to the fabric, and especially of the chancel, to see if they want repair.

#### SECTION 4.

##### OF THE FUNCTIONS BELONGING TO AND OTHER PARTICULARS CONCERNING THE ARCHDEACONS IN THE EAST INDIES.

Since the very important alterations under the 3rd and 4th Will. iv, Cap. 85,\* by the creation of the two Bishopricks of Madras and Bombay, as already mentioned in the first and second Chapters, the Archdeacons of Calcutta, Madras, and Bombay have been permitted to hold with their appointments a Chaplaincy, the ordinary duties of which, they now perform in addition to their Archidiaconal Functions.

As these responsible appointments are at this date thus permitted to be held with inferior preferment, the Chaplaincy possessed by the Archdeacon, should, for many obvious reasons be of the Church in which he has his seat, and into which he has been regularly inducted, viz. the Cathedral ; and the more especially so, as he has frequently to take part in the performance of Divine Service there.† The absence of the Bishop also, is of necessity often, and when on his Visitation, is for a very long period together. This is another argument, why the Archdeacon, as the representative of the Bishop, should be present in that place, during the Bishop's absence.

The Archdeacon, who thus in addition discharges the duties of a Chaplain cannot moreover, as is respectfully noticed,

\* See page vii, ante.

† The Archdeacon of Calcutta, during the time of Bishop Middleton, besides taking part in reading the Communion Service, read the Athanasian Creed on the days appointed, from his seat. This practice came subsequently into disuse. It is the wish of the present Metropolitan to revive the same, and indeed that the Litany should be also read by the Archdeacon as approximating the service to that at home.

in his judicial character as Commissary of the Bishop, be too cautious to perform with the utmost regularity these inferior duties as a Chaplain, lest any deviation observed in the performance of them be quoted against himself, and the order and discipline of the Church be contravened, which, in the early introduction of the Episcopate into these Territories should surely be avoided.

Should his Chaplaincy be at any other Church than the Cathedral, he cannot also be too mindful, to exhibit in his own Church, the same example of strict regularity and order which is observed in the Cathedral.

By reason of this additional preferment, and charge held, the Archdeacons in the East Indies, have not been able to hold regular visitations of their Archdeaconries, which are so desirable, especially in reference to the numerous Churches, every where building, and the many important stations requiring their superintendence.\*

*Days of preaching.*

By an order of Bishop Middleton the Archdeacon of Calcutta is appointed to preach at the Cathedral on the following days : First Sunday after Epiphany ; First Sunday in Lent ; Good Friday ; Ascension day ; Trinity Sunday ; Seventh Sunday after Trinity ; and the Second Sunday in Advent.

*Their right of preaching on other occasions.*

*Bishop Middleton's opinion.*

And it may be here observed, with regard to the right of the several Archdeacons to preach in their respective Churches on other occasions, when they think proper,

the opinion of Bishop Middleton on the same, was, "that

" it was a right intended and implied in their very appointment, and virtually conveyed to them by their institution,  
 " and that even though the presidency Chaplains were  
 " *personæ ecclesiæ*, (if indeed the definition of that character, as cited from Blackstone, will allow it to be supposed  
 " two persons in one and the same Church) he was still of  
 " opinion, that this would be no bar to the right of the  
 " Archdeacon, to certain participation in the use of the  
 " pulpit, inasmuch as the Chaplains could not hold their  
 " rights by a fuller sanction than that upon which the Archdeacon grounded his claim ; and he conceived that the

\* The Author has been desired by authority to mention, that if a greater number of Archdeaconries were created, and Archdeacons appointed thereto throughout the Dioceses in India, it would be found very useful, in fact that a greater number are imperatively needed.

"share which the Archdeacon should take in the service of the principal Church within his Archdeaconry was entirely matter of Episcopal regulation." And the above opinion was fully acted up to and confirmed by Bishop Heber, and has ever since been followed.\*

The Archdeacons carry on all correspondence with the Governments, as to stipends and allowances of the Chaplains; or relating to the supply of the necessary wants of the Churches, belonging to the Governments over which in common with the rest of the Churches under their Jurisdiction they exercise Archidiaconal superintendence; their advice and opinion on such subjects is considered important by the latter.

In the absence of the Bishop and as the Commissary, the Archdeacon also licenses the Clergy, who may happen to arrive, and is entrusted with the general superintendence of the affairs of the Diocese until the Bishop returns to his seat.

The Archdeacons of Calcutta, Madras and Bombay, respectively rank with Colonels and with Civilians of the second class.

They are allowed a small establishment of Peons, and are supplied with stationery for the service, and have the privilege of franking letters when the Bishop is absent.

With regard further as to the several proceedings in the Indian Dioceses in which the Archdeacons are more particularly concerned, see the several following, and particularly the last Chapter of this work setting forth their duties as Commissaries of the Courts of the Bishops.

## SECTION 5.

### OF THE RESIGNATION OF THE OFFICE OF ARCHDEACON IN THE INDIAN DIOCESES.

The several Letters Patent, after reserving to the Crown the power of revoking or recalling the appointments of the Archdeacons, expressly provide, "for removing doubts with respect to the validity of resignation of the said offices of Archdeacon, that if either of the Archdeacons of Calcutta,

\* The present Metropolitan limits, in the Diocese of Calcutta, the above duty to the Communion Service each Sunday, and the Morning Sermon, once in each Month, when none of the Archdeacon's regular times occur.

“ Madras Colombo or Bombay, by any instrument under  
 “ their hand and seal, delivered to their respective Bishops  
 “ and by them accepted and registered, shall resign the office  
 “ of Archdeacon : such Archdeacon shall forthwith cease to  
 “ be Archdeacon, but without prejudice to any responsibility  
 “ to which he might be liable in law or equity in respect  
 “ of his conduct in his office.”

**Resignation what.**

To understand practically these provisions of the Letters Patent, it may be necessary to notice by way of explanation, that, by the Ecclesiastical law,—a Resignation is, where a beneficed clergyman, voluntarily gives up and surrenders his spiritual charge and preferment to those from whom he received the same. *Deg. p. 1, cap. 14.*

**To whom to be made**

The Ordinary who hath the power of institution, hath power also to accept of a Resignation : *2 Roll Abr. 358; Wats. cap. 4.* And Resignation can only be made to a superior. *Gibs. 822.*

**Should be made in person, regularly.**

Regularly, Resignation must be made in person and not by proxy. But in practice, there is no way (as it seemeth) of resigning, but either to do it by personal appearance before the Ordinary, or at least to do it elsewhere before a publick notary, by an instrument directed immediately to the Ordinary, and attested by the said notary, in order to be presented to the Ordinary, by such proper hand as may pray his acceptance. In which case, the person presenting the instrument to the Ordinary doth not resign “*nomine procuratoris*,” as proctors do, but only presents the Resignation of the person already made. *Gibs. 822; Deg. p. 1, cap. 14; Wats. cap. 4.*

**Must be absolute and not conditional.**

A collateral condition (*e. g.* to present any one) nay not be annexed to the Resignation, any more than an Ordinary may admit upon condition, or a judgment be confessed upon condition, which are judicial acts. *Wats. cap. 4.*

But where the Resignation is made for the sake of exchange only, there it admits of this condition, viz. if the exchange shall take full effect, and not otherwise, as appears by the form of Resignation which is in the register. *Gibs. 821.*

**Must be accepted.**

No Resignation can be valid, till accepted by the proper Ordinary : that is, no person appointed to a cure of souls can quit that cure, or discharge himself of it, but upon good motives, to be approved by the superior who committed it to

him; for it may be, he would quit it for money, or to live idly, or the like, and this is the law temporal, as well as spiritual, as appears by that plain resolution which hath been given, that all presentations made to benefices, resigned before such acceptance, are void.\*

A form of Resignation by an Archdeacon in the East Indies, and other instruments thereon, are given in Section 6 of the present chapter.

#### VACANCY OF THE OFFICE OF ARCHDEACON.

"The several Letters Patent declare that during a vacancy "of either of the Archdeaconries of Calcutta, Madras, and "Bombay, the duties thereof shall be performed by one of the "Chaplains of the Presidency; or if there be no Chaplain "there, then, by some discreet Minister in priest's orders of "the Church, who shall be nominated, as the case may be, "for that purpose, by the respective Governors in Council of "the Presidency, in which such vacancy shall happen."

"In case of a vacancy of the Archdeaconry of Colombo, the "duties are to be performed by some discreet Minister in "priest's orders, who shall be nominated, by the Governor "of Ceylon.

In case of a vacancy  
of the Archdeaconries  
of Calcutta, Madras,  
and Bombay, same to  
be carried on by one  
of the Chaplains.

Lettrs Patent of the  
27th September 1817.

### SECTION 6.

#### FORMS.

##### *Archdeacons.*

#### OATHS.

##### 1. *Of Allegiance.*

I \_\_\_\_\_ Clerk, now to be admitted and instituted to the Archdeaconry of \_\_\_\_\_ in the Diocese of \_\_\_\_\_ do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, this \_\_\_\_\_ day of \_\_\_\_\_.

No. 1.  
Oaths and Subscriptions.

So help me God.

\* The question of vacancy or no vacancy is to be determined by the *spiritual* law in the spiritual Court. *Blackstone's Comm.* vol. 3, p. 90, 91. If the right of patronage comes into dispute, the Ecclesiastical Court takes no cognizance, see *sane*, pages 246, 247.

**2. Supremacy.**

I ——— Clerk, now to be admitted and instituted to the Archdeaconry of ——— in the Diocese of ——— do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine, and position, that princes excommunicated, or deprived by the Pope, or any authority of the See of Rome, may be deposed, or murdered, by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within Her Majesty's realm.

So help me God.

**3. Simony.**

I ——— Clerk, now to be admitted and instituted to the Archdeaconry of ——— in the Diocese of ——— do swear that I have made no simoniacial payment, contract, or promise, directly, or indirectly, by myself or by any other, to my knowledge, or with my consent, to any person or persons, whatsoever, for or concerning the procuring or obtaining of the office of Archdeacon, nor will, at any time hereafter, perform, or satisfy any such kind of payment, contract, or promise made by any other without my knowledge or consent.

So help me God.

**4. Canonical Obedience.**

I ——— Clerk, now to be admitted and instituted to the Archdeaconry of ——— in the Diocese of ——— do swear, that I will pay true and canonical obedience to the Lord Bishop of ——— and his successors, in all things lawful and honest.

So help me God.

**SUBSCRIPTIONS.**

I ——— Clerk, now to be admitted and instituted to the Archdeaconry of ——— in the Diocese of ——— do willingly and *ex animo*, subscribe to the thirty-nine articles of the Church of England, and to all things that are contained in them this ——— day of ———, in the year of our Lord ——.

*A. B.*

I ——— do willingly and *ex animo* subscribe to the three articles, in the thirty-sixth of the ecclesiastical canons, made in the year of our Lord one thousand six hundred and three, and to all things, that are contained in them, the day and year above-mentioned.

*A. B.*

I the above named ——— do declare, that I will conform to the Liturgy of the Church of England as it is now by law established.

*A. B.*

On the day and year aforesaid these subscriptions were made before us,

*C. Calcutta.*

All which I attest,

*D. Reg.*

To all Christian people to whom these presents shall come, or in any wise concern, ——— by Divine permission Bishop of ——— sendeth greeting; Be it known unto you, that on the day of the date hereof ——— to be admitted and instituted to the Archdeaconry and Archidiaconal dignity of ——— within our Diocese and jurisdiction of ———, did, before his admission thereto, personally appear before us, and subscribe to the thirty-nine Articles of the Church of England, agreed upon in the Convocation holden at London in the year of our Lord one thousand five hundred and sixty-two, and to the three articles in the thirty-sixth of the Ecclesiastical canons, made in the year of our Lord one thousand six hundred and three, and to all things that are contained in them; and at the same time did, on the Holy Evangelists, swear that he would be faithful and bear true allegiance to Her Majesty Queen Victoria, and that he renounced all foreign jurisdiction, power, superiority, pre-eminence or authority, Ecclesiastical or Spiritual, within Her Majesty's realm, pursuant to an Act of Parliament, made and published to that effect; and further, that he had not directly or indirectly obtained or procured the said Archdeaconry or Archidiaconal dignity by any simoniacal payment or contract whatsoever, and that he would pay true and canonical obedience to us and our successors, Bishops of ——— in all things lawful and honest.

No. 2.  
Certificate of subscriptions and oaths.

In testimony whereof, we have caused our seal to be hereunto affixed, dated the ——— day of ——— in the year of our Lord ——— and of our consecration the ———

I ——— Clerk, now to be instituted to the Archdeaconry of ——— in the Diocese of ———, do declare that I will conform to the Liturgy of the Church of England as it is now by law established.

No. 3.  
Declaration of conformity.

*A. B.*

To all to whom these presents shall come, ——— by divine permission, Bishop of ———, sendeth greeting: Know ye, that on the day of the date hereof the above said ——— to be admitted and instituted to the Archdeaconry of ——— within our Diocese and jurisdiction of ——— did personally appear before us, and before his

admission and institution thereto, did make and subscribe the declaration above written.

In testimony whereof, we have caused our seal (which in this behalf we use) to be hereunto affixed, dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_

No. 4.  
Letters of the colla-  
tion and institution.

\_\_\_\_\_ by Divine permission Bishop of \_\_\_\_\_ to our well beloved in Christ \_\_\_\_\_ health, grace, and benediction: We do by these presents appoint you to be Archdeacon of the Archdeaconry of \_\_\_\_\_ within our Diocese and jurisdiction, vacant by the death [or resignation] of the \_\_\_\_\_ the late Archdeacon thereof, and to our donation or collation in full right belonging; and do hereby confer upon you the same. And by these presents do canonically institute you, in and to the said Archdeaconry, and Archidiaconal dignity of \_\_\_\_\_ and do invest you with all and singular the rights, members, privileges, and appurtenances to the same belonging; you having first before us subscribed the articles, taken the oaths, and made and subscribed the declaration, which are in this case by law required to be subscribed, made, and taken; and we do by these presents assign and appoint unto you the place, chair, and seat by the last Archdeacon thereof possessed and used in the Cathedral of \_\_\_\_\_ at \_\_\_\_\_ in the said Archdeaconry of \_\_\_\_\_ saving always to ourselves our episcopal rights and the dignity and honor of our Cathedral Church of \_\_\_\_\_

In testimony whereof we have caused our episcopal seal to be hereunto affixed, dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_.

No. 5.  
Mandate to induct.

\_\_\_\_\_ by Divine permission Bishop of \_\_\_\_\_ to the Reverend \_\_\_\_\_ and all other of the Ministers and Chaplains licensed to officiate and resident in the Archdeaconry of \_\_\_\_\_ greeting: Whereas the Reverend \_\_\_\_\_ hath been appointed and collated by us to the said Archdeaconry and Archidiaconal dignity of \_\_\_\_\_ within our Diocese and jurisdiction, and we have duly and canonically admitted and instituted him in and to the said Archdeaconry, and have invested him with all and singular the rights, members, and appurtenances thereunto belonging, and have assigned and appointed unto him the place, chair, and seat in the Church of \_\_\_\_\_ to him belonging, and by the last Archdeacon thereof possessed and used; we do therefore hereby empower and strictly require you, jointly and severally, to induct or cause to be inducted the said \_\_\_\_\_ into the said Archdeaconry, and into all and singular the rights, members, and appurtenances thereunto belonging, by placing him in the place, chair, and seat, aforesaid, and to defend him so inducted, and what you shall do in and concerning the premises, you or whatsoever of you that shall execute this our present mandate, are duly to certify to us or our successors when you shall be duly required so to do.

Given under our seal (which in this behalf we use) this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_.

Memorandum, this \_\_\_\_\_ day of \_\_\_\_\_ we whose names are hereinabove subscribed, do humbly certify to all to whom it may concern, that the Reverend \_\_\_\_\_ was this day duly inducted as the Archdeacon into the Archdeaconry of \_\_\_\_\_ in the Diocese of \_\_\_\_\_, conformably with the within mandate by the undersigned Reverend \_\_\_\_\_ in our presence.

Indorsement and return for the foregoing mandate.

*A. B.* Minister.

*C. D.* Registrar.

*E. F.*

*G. H.*

To the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_ and your Lordship's successors, Bishops of \_\_\_\_\_: Whereas in and by certain letters of collation or institution, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ under the episcopal seal of the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_ I the Reverend \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ was admitted and instituted, and on the \_\_\_\_\_ day of \_\_\_\_\_ was inducted into and do now hold and possess, and am invested with the Archdeaconry and Archidiaconal dignity of \_\_\_\_\_ within your Lordship's Diocese and jurisdiction of \_\_\_\_\_ and to your donation or collation belonging. And whereas, now intending to return to Europe, I am desirous for that and other good and sufficient causes to resign and relinquish the said office of Archdeacon unto your Lordship and your successors, Bishops of \_\_\_\_\_; Now therefore, I, the Reverend \_\_\_\_\_ Archdeacon of the said Archdeaconry of \_\_\_\_\_ by these presents, and to enable your Lordship and your successors, Bishops of \_\_\_\_\_, to appoint and collate to the same Archdeaconry, do, without compulsion, fraud or deceit, simply, purely and absolutely resign, surrender, and yield up the said office of Archdeacon, with all and singular its rights, members privileges and appurtenances, and all my right, title, interest, claim, and demand therein or thereto, together with the said letters of Institution and Induction unto your Lordship and to your Lordship's successors Bishops of \_\_\_\_\_ and do so resign and relinquish the same, subject to all or any responsibility which I am now or may be liable for in law or equity, in respect to my conduct in the said office.

No 6.  
Form of resignation  
by the Archdeacon.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_.

*C. D.*

Attested by *A. B.* Registrar and a Notary Public.

I, the Reverend \_\_\_\_\_ Archdeacon of the Archdeaconry of \_\_\_\_\_ and now residing at \_\_\_\_\_ do make and appoint \_\_\_\_\_ to be my true and lawful proctor for me and on my

No. 7.

Proxy, if necessary,  
for the same.

behalf, to give in and exhibit to the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_ now residing at \_\_\_\_\_ the annexed resignation of my office as such Archdeacon, and to pray that the same may be accepted and registered and declared void, and to do all things needful and necessary for me in that behalf.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_.

*C. D.*

Attested by *A. B.* Registrar and a Notary Public.

No. 8.  
Acceptance of the  
same

To our beloved in Christ, the Reverend \_\_\_\_\_  
greeting: Whereas \_\_\_\_\_ Registrar of the Archdeaconry of \_\_\_\_\_ and your proctor or substitute in that behalf, hath exhibited to us on the day of the date hereof, a certain instrument under your hand and seal, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ now last past, setting forth that you, the said \_\_\_\_\_ by the letters of collation or institution of the Right Reverend \_\_\_\_\_ Lord Bishop of \_\_\_\_\_, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ and under his episcopal seal had been collated and instituted Archdeacon of the Archdeaconry of \_\_\_\_\_ and into which Archdeaconry you were inducted on the \_\_\_\_\_ day of \_\_\_\_\_ and that being desirous to resign the said office of Archdeacon, you did by such instrument, without compulsion, fraud, or deceit, simply, purely and absolutely, resign the said office of Archdeacon into our hands, subject to all responsibility which you were then and might be liable for in law or equity in respect to your conduct in the said office. And did also, by a separate instrument under your hand and seal appoint the said \_\_\_\_\_ as your proctor, to exhibit before us such instrument of resignation by you, and to pray in your behalf that we would be pleased to accept the same. Now therefore know ye that in compliance with such your request and prayer, we do hereby accept your resignation of the office of Archdeacon of \_\_\_\_\_ and we do also certify that such resignation has been duly registered by us, and do hereby declare the said Archdeaconry of \_\_\_\_\_ to be now void to all intents and purposes.

In testimony whereof we have caused our episcopal seal to be hereunto affixed, dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ and of our consecration the \_\_\_\_\_.

*When instituted by Commission.*

No. 9.  
Commission.

\_\_\_\_\_ by Divine permission Bishop of \_\_\_\_\_, to our well beloved in Christ \_\_\_\_\_ Clerk, Minister and Chaplain at \_\_\_\_\_ in the Archdeaconry of \_\_\_\_\_ within our Diocese, greeting: Whereas it is our purpose to confer upon and give to our beloved in Christ \_\_\_\_\_ he being one of the Chaplains of the United Company of Merchants trading to the East Indies, now

resident in India, the Archdeaconry or Archidiaconal dignity of —— in our said Diocese, vacant by the death [or resignation] of —— the late Archdeacon thereof, and to our donation or collation in full right belonging; and also the office of our Commissary in and for the said Archdeaconry, vacant also by the —— of the said ——. And whereas the said —— cannot conveniently attend us for the purpose of taking the oaths, and making the subscriptions and declarations, and of being regularly admitted and instituted into the same office, and being appointed to the said office of Commissary, We do therefore by these presents constitute and appoint you the said —— our Commissary in this behalf, and do empower you the said —— to see the said —— subscribe, as annexed, to the Thirty-nine Articles of Religion of the Church of England, and to the Three Articles of the Thirty-sixth Canon, and to all things that are contained in them, and to see him also subscribe to, as annexed, and hear him declare his conformity to the Liturgy of the Church of England, as it is now by law established, and also to administer to him all and singular the oaths hereunto annexed; and also, after he shall have so made and taken all such oaths, and subscribed the articles, and made the declaration as aforesaid, we do then further authorize and empower you or any or either of you duly and canonically to admit and institute him the said —— in and to the said Archdeaconry and Archidiaconal dignity of —— aforesaid, and to invest him with all and singular the members, privileges, and appurtenances, thereunto belonging; and lastly, after such admission, institution, and investiture as aforesaid, We do then empower and strictly require you or any or either of you, or any other Minister or Chaplain within our Diocese, to induct or cause to be inducted, the said —— into the real, actual, and corporal possession of the said Archdeaconry or Archidiaconal dignity of —— with all and singular the rights, members, and appurtenances thereunto belonging, by placing him in the place, chair, and seat in —— at —— in the Archdeaconry of —— aforesaid, and to the said Archdeaconry or Archidiaconal dignity belonging, and by the last Archdeacon thereof possessed and used; and to defend him so inducted; and what you or any or either of you shall do touching and concerning all and singular the premises herein, you are duly to certify to us of the same, together with these presents.

Given under our seal (which in this behalf we use) this —— day of —— in the year of our Lord —— and of our Consecration the —— .

## INDORSEMENTS.

*Archdeacon's Oaths, and the Commissary's Oath and Subscriptions annexed to the above Commission, with the following indorsement or return.*

1st Indorsement on  
the above Commis-  
sion.

To the Right Reverend Father in God —— by Divine permission Lord Bishop of —— I —— Commissary within named, do hereby humbly certify your Lordship that the within named —— Clerk, did, on the —— day of —— appear personally before me, and did then take all the Oaths hereunto annexed, having first subscribed the articles, and made and subscribed the declaration of conformity within mentioned.

Witness my hand, *A. B.* Commissary.

(Signed)

*C. D.* Registrar

Dated, —— day of ——.

2nd Indorsement.

I —— the Commissary above named, do hereby, also humbly certify your Lordship, that the within named —— after having taken the oaths and subscribing as above, was this day duly and canonically admitted and instituted by me to the Archdeaconry of —— in your Lordship's Diocese of —— conformable with the within authority.

Witness my hand, *A. B.* Commissary.

*C. D.* Registrar.

Dated, —— day of ——.

3rd Indorsement.

MEMORANDUM, this —— day of —— we whose names are hereunto subscribed, do humbly certify that the Reverend —— was this day duly inducted as the Archdeacon of —— in the Diocese of —— conformably with the within authority by the undersigned —— in our presence.

*A. B.* Commissary,

*C. D.* Minister,

*E. F.* Registrar.

Dated, —— day of ——

No. 10.  
Certificate of oaths  
and subscriptions and  
other papers to be sent  
with the Commission.

To all Christian people to whom these letters testimonial may come or in any wise concern, greeting. Be it known unto you, that on the day of the date hereof —— Clerk, to be admitted and instituted to the Archdeaconry or Archidiaconal dignity of —— in the Diocese of —— did, before his admission and institution thereto, personally appear before me (Commissary for this purpose especially appointed by the Right Reverend Father in God —— by Divine permission Bishop of ——) and subscribe to the thirty-nine articles of the Church of England agreed upon in the convocation

helden at London in the year of our Lord one thousand five hundred and sixty-two, and to the three articles in the thirty-sixth of the ecclesiastical canons, made in the year one thousand six hundred and three, and to all things that are contained in them; and at the same time did on the Holy Evangelists swear that he would be faithful and bear true allegiance to Her Majesty Queen Victoria, and that he renounced all foreign jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within Her Majesty's realm, pursuant to an Act of Parliament made and published to that effect; further, that he had not directly or indirectly obtained or procured the said Archdeaconry by any simoniacial payment or contract whatsoever, and that he would pay true and canonical obedience to the said Lord Bishop, and his successors, Bishops of —— in all things lawful and honest.

In testimony whereof the seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same, the — day of — in the year of our Lord —.

I — Clerk do declare that I will conform to the Liturgy of the Church of England as it is now by law established.

No. 11.  
Commissary's certificate of conformity.

*A. B.*

To all to whom these presents shall come, Greeting: Know ye that on the day of the date hereof, the above named — to be admitted and instituted to the Archdeaconry or Archidiaconal dignity of — in the Diocese of — did personally appear before me (Commissary for this purpose especially appointed by the Right Reverend Father in God — by Divine permission Lord Bishop of —) and did before his admission and institution thereto make and subscribe the declaration above written.

In testimony whereof the seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same this — day of — in the year of our Lord —.

— by Divine permission, Bishop of — to our well-beloved in Christ — health, grace, and benediction. We do by these presents appoint you to be Archdeacon of the Archdeaconry of — within our Diocese and jurisdiction vacant by the death [or resignation] of the — the late Archdeacon thereof, and to our donation or collation in full right belonging, and do hereby confer upon you the same; and we do by these presents assign, and appoint unto you the place, chair, and seat, by the last Archdeacon thereof possessed, and used in the (Cathedral) Church of — at — in the said Archdeaconry of — saving always to ourselves our episcopal rights and dignity; and have by our letters commissary of this date directed to the Reverend — authorized and empowered him as our Commissary in that behalf duly to admit and canonically institute you in and to the said Archdeaconry and Archidiaconal dignity of —

No. 12.  
If the Bishop collates, letters of collation, with the commission

and to invest you with all and singular the rights, members, and privileges belonging to the same, and also to induct or cause you to be inducted thereto, and to do all other things necessary in that behalf, you having first before our said Commissary subscribed the articles, taken the oaths, and made and subscribed the declaration which are in this case by law required to be subscribed, made, and taken.

In testimony whereof we have caused our episcopal seal to be hereunto affixed. Dated this —— day of —— in the year of our Lord —— and of our consecration the ——.

No 13.  
Commissary's letters  
or certificate or insti-  
tution with the com-  
mission.

I the Reverend —— Minister and Chaplain at —— and Commissary for this purpose specially appointed by the Right Reverend Father in God —— by Divine permission Lord Bishop of —— to my well-beloved in Christ —— Clerk health, grace and benediction: By these presents and by virtue of the authority aforesaid, I admit you in and to the Archdeaconry or Archidiaconal dignity of —— in the Diocese of Calcutta, vacant by the death [or resignation] of —— Clerk — the last Archdeacon thereof, and belonging to the donation or collation of —— and I do duly and canonically institute you in and to the said Archdeaconry or Archidiaconal dignity of —— and do invest you with all and singular the rights, members, privileges and appurtenances thereunto belonging (you having first before me subscribed the articles, taken the oaths, and made and subscribed the declaration which are in this case by law required to be subscribed, made, and taken;) saving always to the said Lord Bishop and his successors the episcopal rights and the dignity and honor of the Cathedral Church of ——.

In testimony whereof the episcopal seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same this — of — in the year of our Lord ——.

## CHAPTER VI.

### OF THE MINISTERS AND CHAPLAINS IN THE EAST INDIES.

#### SECTION 1.

*Extracts from the Letters Patent of the Crown concerning them.*

“WE have further given and granted, and do by these Diocese of Calcutta.  
“presents give and grant to the aforesaid Bishop [of Calcutta,]  
“and his successors, full power and authority by himself and  
“themselves, or by his or their Commissary or Commissaries  
“by him or them to be thereunto specially authorized, to grant  
“licences to officiate to all Ministers and Chaplains of all  
“the Churches or Chapels, or other places within the said  
“Diocese wherein Divine service shall be celebrated accord-  
“ing to the rites and Liturgy of the Church of England.”

See Letters Patent, 2nd May, 54 Geo. III, A. D. 1814.\*

Similar powers and authorities are given *verbatim* to the Diocese of Madras.  
Bishop of Madras by the Letters Patent of the 13th June,  
1835, 5 William IV.†

The same powers are also given to the Bishop of Bombay, Diocese of Bombay.  
in the Letters Patent of the 1st October 1837, 7 William IV.‡

#### SECTION 2.

### OF THE CLERGY IN GENERAL IN THE DIOCESES OF INDIA. THEIR TITLES, AND SUCH OF THE ECCLESIASTICAL LAWS AS APPLY GENERALLY, IN ORDER TO THEIR BEING LICENSED TO OFFICIATE, AND OTHER INFORMATION APPLICABLE.

The general body of Clergy at this date licensed under Titles in genera  
the Clergy in India  
the above powers to officiate in these Dioceses, comprises such Ministers as have been ordained in England, either on English titles, (most of which class have removed from the Dioceses in England, in which they have already officiated, to

\* See Page xi, *ante.*    † Page xliii, *ante.*    ‡ Page lvi, *ante.*

this Country, and of which number, with some exceptions, the Chaplains of the Company form the principal portion,) or who have been ordained by the English Bishops to serve in the Colonies, or else such as have been ordained in India by the Bishops of these Dioceses. Many of the last are composed of such as have received their education for the ministry at Bishop's College, and amongst these, are the Native Clergy, who have been regularly ordained.

The whole of the Clergy thus comprised, are regularly licensed to officiate by the respective Bishops under their Letters Patent.

The licensee under  
which they officiate. On the arrival of Bishop Middleton in 1814, the Clergy in

India consisted of no other than the regular Chaplains, at least of none whose orders or titles were officially recognised by that Prelate. Before he proceeded to licence these, he consulted the Advocate General to the Company then in Calcutta, (Edward Strettell, Esq.) on the subject. The latter considered that the Chaplains in their Ecclesiastical character approached nearer to stipendiary Curates in England, than to any other. In consequence of that opinion, the above Prelate adapted the usual English licence to the Clergy as thus characterised, and the same, or nearly the same form, has ever since been, and now continues to be, used throughout the Dioceses.

"The intended effect of licensing a Clergyman," says the first Bishop of Calcutta, (Middleton,) as quoted by the present Metropolitan in his triennial charge, delivered at Calcutta, 13th August 1834, is to place him under the jurisdiction "of his Diocesan, and at the same time to give "him a legal title to his Cure. It renders him exclusively "amenable to the Bishop's authority, and makes the "exercise of that authority necessary towards his removal. "But this is not all. Every Clergyman previously to his "being licensed, takes the oath of Canonical obedience to "the Bishop and his successors; and Canonical obedience "is understood to extend to all matters connected with "Canonical duties. The Clergy of a Diocese, whether presented by the Crown, by Chartered Companies, or Societies, or by Individuals, or collated by the Bishop, fall "precisely under the same jurisdiction, and enter into the

" same engagements : and the case cannot be different in India. With the Bishop rests all the responsibility connected with the conduct of the Clergy. By the Ecclesiastical Law of England, a Lay Patron is *functus officio*, when he has nominated and presented his Clerk. Though nominated by a Layman, the Clerk's tenure is Ecclesiastical, being by letters of institution or licence from the Bishop."\*

The following rules, therefore, may be considered applicable, as having reference to the cases generally of the Ministers and Chaplains to be licensed in the jurisdiction of the respective Bishops in India :—

It is laid down, that a Curate (*curator*) is he who represents, in his absence, the Parson, Incumbent, or Vicar. And a Parson, (*Persona ecclesiae*), is defined to be one, that hath full possession of all the rights of a parochial Church, and is called *Parson*, *Persona*, because by his person, the Church, which is an invisible body, is represented, and he is in himself a body corporate, in order to protect and defend the rights of the Church which he personates by a perpetual succession. 1 *Inst.* 300.

The word *Parson*, in a large sense, includes all clergymen having spiritual presentations. And there may be two Parsons in one Church, one of the one moiety, and the other of the other ; and a part of the Church and town allotted to each. And there may be two that make but one Parson in a Church, presented by one patron. 1 *Inst.* 17, 18.

No curate or minister ought to perform the duties of any Church, before he has obtained a licence from the Bishop. 2 *Burn*, 58. By Can. 48, no curate or minister shall be permitted to serve in any place, without examination, and admission of the Bishop of the Diocese or Ordinary of the place having episcopal jurisdiction, under his hand and seal, having respect to the greatness of the cure and meetness of the party.

And the said curates and ministers, if they remove from one Diocese to another, shall not be by any means admitted to serve without letters of testimony of the Bishop of the

\* The form of licence for the Indian Chaplains was some years since submitted to, and approved by, Drs. Lushington and Phillimore : it will be found with the other forms at the end of this Chapter.

Licence necessary and  
other particulars.

Not to remove from  
one Diocese to another  
without letters of testi-  
mony.

**Diocese, or Ordinary of the place as aforesaid, whence they came, in writing, of their honesty, ability, and conformity to the ecclesiastical law of the Church of England.**

Agreeable to the canon law.

All which is agreeable to the rule of the ancient canon law, which requireth that no clergyman shall be received in another Diocese, without letters commendatory from the Bishop of the Diocese, from whence he removed. *Gibb. 896.*

Strangers not to preach without licence.

And by Can. 50, strangers are not to be admitted to preach in Churches or Chapels, without shewing their licence.

No Minister to officiate in any Cathedral, &c. without licence from the Bishop.

Nor, by Can. 61, in any Cathedral Churches, or Colleges, without sufficient authority from the Bishop.

To be lawfully called and sent.

And by Article **xxiii**, it is not lawful for any man to take upon him the office of public preaching, or ministering the sacraments in the congregation, before he be lawfully called and sent to execute the same ; and those we ought to judge lawfully called and sent which be chosen, and called to his work, by men who have public authority given unto them, in the congregation, to call and send Ministers unto the Lord's vineyard.

In order to his licence what is requisite.

And in order to his licence, he must produce his nomination in form aforesaid. Then it must appear, in the next place, that he is in holy orders ; and this must appear to the Ordinary, either of his own knowledge, or by lawful testimony. And no person shall be admitted to officiate until proof shall first be made of his good life and learning. *Lind. 47, and Burn, vol. 2, pp. 61, 62.*

One licensee may serve in any Diocese.

And in regard to the licence serving for any other parish, or place within the Diocese ; it is laid down, that although not enjoined by any express law, yet the same is very reasonable, being intended for the benefit of Curates, that having been once examined and approved by the Ordinary, they shall not need to be at the expence of a new licence for any other place unto which they shall remove within the Diocese. —*Burn, vol. 3, pp. 53, 49.*

Subscriptions to be made preparatory to licence.

By Can. 36, no person shall be received into the ministry, nor admitted to any Ecclesiastical living, nor suffered to preach, to catechize, or to be a lecturer, or reader of divinity in either University or in any Cathedral or Collegiate Church, City, or Market Town, Parish Church, Chapel or any other place within this realm, except he be licensed, either by the

Archbishop, or by the Bishop of the Diocese where he is to be placed, under their hands and seals, or by one of the two Universities under their seal likewise, and except he shall first subscribe to the Three Articles concerning the King's Supremacy, the Book of Common Prayer, and the Thirty-nine Articles.

By Can. 37, none licensed as is aforesaid to preach, read, lecture, or catechize, coming to reside in any Diocese, shall be permitted there to preach, read, lecture, catechize or minister the sacraments, or to execute any other Ecclesiastical function, (by what authority soever he be thereunto admitted,) unless he first consent and subscribe to the Three Articles before mentioned, in the presence of the Bishop of the Diocese wherein he is to exercise such function.

And within two months after he is licensed, he is to read Reading in. the Morning and Evening Prayers, and to declare his unfeigned assent and consent thereto openly and publicly in Church before the congregation, as follows:—

“*I, ———, [Chaplain of the station of ———,] do here declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book intituled the Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the United Church of England and Ireland, together with the Psalter or Psalms of David, printed as they are to be sung or said in Churches, and the form and manner of making, ordaining, and consecrating of Bishops, Priests and Deacons.*” And within the same time to read the Thirty-nine Articles, and declare his unfeigned assent thereto.

By the Act of Uniformity 13 and 14 Car. II, cap. 4. it is enacted that all and singular the ministers in any Cathedral, Collegiate or Parish Church, or Chapel, or other place of public worship [in England,] shall be bound to say and use the Morning Prayer, Evening Prayer, celebration and administration of both the Sacraments, and all other Public and Common Prayer in such order and form as is mentioned in the said book, intituled as aforesaid, and annexed and joined to that Act; and that the Morning and Evening Prayer therein contained, shall, upon every Lord's

Day, and upon all other days and occasions, and at the times therein appointed, be openly and solemnly read by all and every Minister or Curate in every Church, Chapel, or other place of public worship as aforesaid. § 2.

*Declaration of conformity.*

And shall subscribe the declaration following: “*I, A. B. do declare that I will conform to the Liturgy of the Church of England as it is now by law established.*” 13 and 14 Car. II, Cap. 4, § 8; 1 W. Sess. 1, Cap. 8, § 11.

Which said declaration shall be subscribed before the Archbishop or Ordinary of the Diocese, (or his Vicar-General, Chancellor or Commissary, 15 Car. II, Cap. 6, § 5,) on pain of forfeiting such office, place, promotion, or dignity, and being utterly disabled and *ipso facto* deprived of the same, which shall be void, as if such person failing, were naturally dead. 13 and 14 Car. II, Cap. 4, § 10.

*And after declaration read the same.*

And after such subscription made, shall procure a certificate under the hand and seal of the respective Archbishop or Ordinary of the Diocese, (who shall make and deliver the same upon demand,) and shall publicly and openly read the same, together with the said declaration, upon some Lord’s Day, within three months then next following, in his parish Church, where he is to officiate, in the presence of the congregation there assembled, in the time of divine service, upon pain that every person failing therein, (without some lawful impediment to be allowed and approved by the Ordinary of the place, 23 Geo. II, Cap. 28,) shall lose such place respectively, and be disabled, and *ipso facto*, deprived thereof, and the same shall be void, as if he were naturally dead. § 11.

*Oaths to be taken previous to licence.*

No person shall be promoted to any spiritual or ecclesiastical office or ministry whatsoever, unless he takes the Oaths of allegiance, supremacy, and abjuration. 1 Eliz. 1; and 1 W. Cap. 8; and finally, by 1 Geo. I, Cap. 13, and 1 Geo. II, Cap. 26.

*Canonical obedience.*

And the Oath of canonical obedience is to be taken, if required, concerning which, it is laid down in Lind. 110: “ And if the said Priests shall presume to celebrate divine service in such Churches or Chapels, until they shall have taken such Oath as required, they shall thereby incur irregularity, besides the other penalties which the canons inflict upon the breakers of holy constitutions.” And “ if the said

curates being so sworn as aforesaid before a competent Judge shall be convicted of having broken their Oath, they shall be entirely removed, and as perjured persons, shall be interdicted from the celebration of divine offices until they shall be canonically dispensed withal." *Burn. vol. 2, pp. 64, 65.*

Having premised the foregoing particulars, the following instructions to the Clergy are now entered upon.

### SECTION 3.

#### INSTRUCTIONS TO THOSE OF THE CLERGY IN THE EAST INDIES WHO ARE CANDIDATES FOR THE BISHOP'S LICENCE TO OFFICIATE IN THOSE DIOCESES, AND SOME INFORMATION CONCERNING THEM AFTER THEY ARE LICENSED.

Every Clergyman, unless ordained and already in the Diocese, in which he is to officiate, is on his arrival, expected to report himself to the Bishop, or in his absence, to the Archdeacon, as his Commissary.\*

With reference to obtaining the Bishop's licence to officiate, the Candidate for the same is to give in his name; also his academical degree, if any; then the permission from the proper authorities to reside in India, if requisite; his Letters of Orders; his nomination, or appointment, and such other testimonials as he may have.

It may be proper to remark, that an opinion at present prevails, that the production to the Bishop of the Diocese, by a Company's Chaplain of his nomination to that appointment by the Court of Directors, and his Letters of Orders, are all that can be required of him by the Bishop; but as the Canons expressly ordain, that no Clergyman shall be received in another Diocese, without Letters Commendatory from the Bishop of the last Diocese from whence he removed, it is submitted that the production by a Chaplain simply of his nomination by the Company and his Letters of Orders, (both of which may be of a date long antecedent,) can hardly be pre-

\* Every Chaplain arriving in the Diocese of Calcutta, reports also his arrival to the Secretary to Government in the Home Department, and to the Civil Auditor. In his letter he gives the date of his leaving Gravesend and the date of his arrival at the Sand Heads, if by sea. What the practice or rule is in the other Dioceses, the author is unable to state, but he apprehends it to be the same at Madras and Bombay in this respect.

sumed at this day to be a sufficient title for the Bishop's licence, without the addition of some continuing testimonial from his last to the new Diocesan under whom he is to serve. The Author has in fact been informed by the present Metropolitan, that a Chaplain after his nomination is required by the Court of Directors, to be approved by the Archbishop, or Bishop of London. At all events, and under any circumstances, Letters commendatory from the Bishop of London, by or before whom his credentials are supposed to be examined, could never be superfluous under the canonical rule, in reference to the Bishop in whose Diocese he is to officiate, and with whom the subsequent responsibility, under the licence granted, rests.\*

The European Clergy  
of the Incorporated  
Society for the Propa-  
gation of the Gospel  
in Foreign Parts to be  
domiciliary at Bis-  
hop's College.

Such of the European Clergy of the Incorporated Society for the Propagation of the Gospel in Foreign Parts, as are intended to be employed in these Dioceses, are before they are licensed, required in general by the Society, on their first arrival to proceed to Bishop's College, and there to remain as Domiciliaries, in the study of the Native Languages, until especially nominated by the Visitor [the Bishop] to a station. By the statute of that Institution, they are to attend such Divinity and other Lectures, and pursue such studies connected with their future destinations, as may be directed by the College Authorities, whose duty it is to furnish them, when sufficiently prepared, with a certificate of being qualified for their duties, addressed to the Bishop of the Diocese, who then proceeds upon that, and their other titles, to license them to officiate at their allotted Stations.

The Chaplain's pre-  
ferred with whom it  
rests.

The preferment or appointment of a Company's Chaplain to a station or sphere of duty in the Diocese, rests exclusively with the different local Governments of each Presidency. But this power, as is acknowledged with grateful feelings on the part of the Episcopate, is seldom, if ever, exercised, except in consultation with the respective Bishops.

\* It would seem to be the practice at home to consider, that to qualify a Chaplain for this appointment from the Company, he must have been two years in Holy Orders, and not be above forty years of age. And by the charter of the East India Company A. D. 1698, it is declared, that such Ministers as should be sent to India, should apply themselves to learn the Native Languages.

Chaplains, if in England, are to proceed to their destination in India within six months from the date of the Court's resolution by which they are nominated; or in failure thereof, without leave obtained from the Court of Directors, their appointments lapse.

In almost all cases it is upon the recommendation of the Diocesan, that the Government nominate. This deference shewn to the Bishops, has ever been most considerably exercised from the first introduction of the Indian prelacy. "The location of the Chaplains will be best regulated," the Court of Directors add in their letter No. 2, of 1836, in the Ecclesiastical Department, dated 31st of August 1836, "by reference to the opinion of the Lord Bishop."

With regard to the nomination to stations of others not <sup>Other Clergy.</sup> Chaplains, this rests, with few exceptions (as in the case of the Clergy who officiate at Bishop's College, and who are especially appointed from home, and the Missionaries of the Church Missionary Society, who are nominated to their station, by the Committee at home, subject to the Bishop's approbation and licence) with the Bishop, who grants his licence to them to officiate at the Churches or Chapels to which they are appointed, whether as Missionaries or otherwise.

Bishop Middleton licensed every Chaplain to a particular station. The chief reason for which was, that it not only secured to the station all Ecclesiastical advantages, but it compelled the Chaplains permanently to reside within the same. If the Chaplain was afterwards removed or succeeded to another station, (seniority being the rule of the service,) that Prelate (as his successors have since done) invariably indorsed on the licence of the Chaplain, "*Removed with our consent,*" ; which indorsement is signed.\*

After the arrival of Bishop Heber, the latter Prelate, (if a <sup>Bishop Heber's addition to the licences.</sup> station had no proper Church,) added the term "District" to that of "Station" in the licence.

On the preferment or removal of a Chaplain to another station, the Registrar receives instructions to prepare the indorsement or instrument transferring the licence, and having obtained the signature of the Bishop thereto, registers the transfer, and delivers the document to the Chaplain.

The same practice of licensing the Clergy thus, to stations <sup>Other Clergy, not Chaplains.</sup> and districts, is pursued with regard to the other Clergy,

\* Dr. Phillimore, in an opinion on a case submitted to him a few years since, observes, that Chaplains removed by and under the orders of Government without the concurrence of the Bishop, releases the Bishop from spiritual and public responsibility. The Government, he considered, had authority to remove a Chaplain licenced by the Bishop to a particular Station to any other place.—*Registrar's Office.*

who are not Chaplains : their removal from which, is in like manner made under the Bishop's consent in writing, which is registered, and transmitted by the Registrar to the party.

As to these they are understood to be authorized to perform ministrations in the Native Languages though no authorized translations of the Rubric exists.

With reference to the portion of Clergy last mentioned, and to the Missionaries generally, who now officiate under the Bishop's licence, it would be merely remarked, that in the absence of any apparent or special enactment granting to the Bishops in the East Indies, authority to licence Ministers to officiate in a language unknown to the Canon, or in which there is no regular or authorized version of the Holy Scriptures or of the Common Prayer, it is to be considered by the Clergy so licensed, that, wherever they are placed, under their licence, they are authorized to exercise their Ministry, as well in the vernacular tongue understood, and in which they are qualified, as in the English language.

Nor is there any legislative provision known, valuable as such would, as it is believed, prove, under the increasing and advancing state of the Native congregations around, and belonging to the Established Church, for empowering the Bishops in their respective Dioceses in this country, to authorize the use of such translations of the Scriptures and Common Prayer as are, under the best opinions considered to be the most faithful.

Such an authority would not only be found, as is submitted, to secure greater confidence and uniformity, and the other important ends of the Church establishment, but would relieve in a great measure the Bishops of any public responsibility which may be thought, in a legal sense, to attach, without it, and leaving the Clergy, as at present, either to translate for themselves or use translations indiscriminately, and such as may possibly have a tendency to contravene the law and spirit of the Canon. On this subject when he applied for some provision to be passed at home, Bishop Middleton observed, adverting in particular to the Common Prayer, that "care must be taken that the change of language shall be the only change to which it shall be subjected." *Le Bas's Life of Bishop Middleton, Vol. II, Page 373.\**

\* One of the chief objects of that most valuable Missionary institution, Bishop's College near Calcutta, is to make it subservient to the great purpose of translations. It is accordingly provided by the statutes of that excellent institution,

With regard to the very few native Clergy already ordained under the subscriptions made, and the oath of canonical obedience taken, these are licensed in the same manner as others, who are not Chaplains, and are equally understood to be permitted to perform the services, both in English and in their own vernacular tongue.

As to some of the principal stations at which two Ministers are thought to be required, the present Metropolitan has sometimes annexed some inferior or out-station to the charge, and the licences have been made to run in conformity with such annexation, so as that the principal station is never left by both Clergy at one period.

Where there are two Chaplains appointed to one Church, or Station, they are respectively licensed as the joint Minister and Chaplain thereof; should these two be equal in point of rank or standing in the service, the opinion of the senior ordained, should it be submitted, be the one to be followed in all matters relating to the performance of their functions, until the advice of the Ordinary has been taken.

If the one be a senior Chaplain, and the other an Assistant Chaplain only, the opinion of the former, should, in case of any difference, as it is also submitted, be followed until the decision of the Bishop is known. But as it is now very common in these Dioceses, since the introduction of Assistant Chaplains, for two Ministers to be licensed to officiate in one Church, and as such appointments have led occasionally to misunderstandings between the two as to their functions, it is thought desirable that a few rules, approved by the Government, should be laid down, allotting the clerical duties of the station alternately or otherwise to each, and assigning the relative position of the one to the other in the Church, with the view to avoid any doubts which may lead to altercation.

Care should always be taken, in thus licensing an addi-

" that no version of the Holy Scriptures, or of the Liturgy of the United Church of England and Ireland, shall be printed at the College Press without the especial sanction of the Bishop of the Diocese; such sanction to be expressed in the title-page, together with that of the ordinary Syndicate, and which is composed of the Visitor [Bishop,] the Archdeacon of Calcutta, and the College Council, and three persons to be nominated by the Visitor, for the year. *Stat. XXX and XXXIII.*

tional or Assistant Chaplain to a Church, that the licence of both Chaplains be made to correspond.

*The same with other Clergy.*

The same practice should be observed as to the other Clergy, wherever there may be two Ministers or Missionaries thus jointly licensed. The chief responsibility resting, as it is considered, with the oldest ordained.

*The Cathedral Chaplains specially licensed.*

The Chaplains appointed to the Cathedral are specially licensed thereto. *See Forms at the end of this Chapter.\**

*The papers being approved when to attend to be licensed.*

The testimonials or other papers of the Clergyman to be licensed, having been exhibited and approved, and which are signed by the Registrar, and the nomination in form (if a Chaplain) from the local Government, received, the Bishop, or his Commissary, directs the Registrar to prepare the proper documents for licensing the party; which consist of the licence, the certificate of the usual subscriptions and oaths taken, and the subscriptions written in the Registrar's book; for all which, and the oaths, *see last section of this Chapter*; and if licensed by Commission, *see also the same section for the Forms.*

The licence being prepared as above, the party to be licensed receives notice when to attend upon the Bishop, or Commissary, for that purpose; and after being licensed, the licence and other papers are directed to be registered; and are afterwards called for, at the Registrar's, by the Minister or Chaplain.

It is of importance to the Clergy themselves to take care, not only that they are regularly licensed to officiate, but to possess themselves of the instrument itself as well as the other papers leading thereto; and in case of a subsequent preferment or removal, that they also obtain the necessary transfer or indorsement thereof, as in case of any official reference necessary on their part it may be requisite for them to shew their title to the Bishop or Commissary as the minister lawfully appointed, and without which, they could not be judicially recognized, so as to have their application entertained.

It has been the practice in the Diocese of Calcutta for the Registrar to publish officially in the Gazette the ap-

\* With regard to these Clergy, they might now perhaps be "licensed and authorized to perform the office of Prebends within that Church, and as Chaplains thereof and of the district belonging to the same."

pointment, and licence of a Chaplain to a Church, as well as any subsequent change or preferment. *See forms, last Section of this Chapter.*

After having obtained their papers as above, the following practical information may be given concerning the Clergy thus licensed.

By an order of Bishop Middleton, Chaplains, after being licensed, are to preach once at the Cathedral.—*Registrar's Office, 7th January, 1815.*

The opinion of the different Bishops of Calcutta has always been, that the Clergy should in India comply with the statute [13 and 14 Car. II, Cap. 4, § 10, 11, *see pages 97, 98 herein*] as in England, and before the congregation in the Church at which they are licensed to officiate, read within *two* months of their first joining their station the Morning and Evening Prayers, and declare their assent thereto, and to the Thirty-nine Articles, as well as read within the prescribed period their certificate, and declaration of conformity to the Liturgy.\*

When a Chaplain in the Diocese of Calcutta leaves the Presidency to join the station to which he is licensed, he reports by letter his arrival at the station to the Civil Auditor, and mentions the date also of his departure from the Presidency; he also communicates the same to the Archdeacon for the information of the Bishop; and to the chief Civil or Military authority of the station.—*Ecclesiastical Regulations.*†

Any Chaplain also who may be removed from one station to another in the same Diocese, in like manner reports to the Civil Auditor, the dates of his departure from the one, and of his arrival at the other; and the same to the Archdeacon, and to the Chief Civil or Military authority of the station.

The Civil Auditor is restricted from passing the bill of any Chaplain appointed to a new station, for the allowances belonging to such station, without special orders of the

\* The present Metropolitan suggests that an entry should be made of this having been performed, and when done, in the Record Book of the Church of the Station. See *Printed Suggestions by the present Metropolitan, No. 15.*

† See also *Printed Suggestions, No. 14, by the present Metropolitan.*

Government, until he has received a report of the Chaplain's arrival at the place of his appointment and duties.—*Ibid.*

**Travelling charges.**

On joining a station in the interior after arrival in India, a Chaplain or assistant Chaplain will be allowed the same rate of travelling charges, and be subjected to the same rates with respect to joining his station, as a Civil Servant.\* On any subsequent transfer from one station to another, the same allowance will be made if the transfer take place, not at the desire of the Chaplain removed, but by order of Government.

With respect to visiting out-stations, an order has been recently sent out by the Court of Directors, directing an allowance to be made of eight annas per mile for all such visits, when authorized by the Bishop under his hand and approved by Government.

The bills for this allowance are to be authenticated by a copy of the order or authority, under which the visit has been made, and by a declaration on the part of the Chaplain that the journey has been performed; without which documents the Civil Auditor is prohibited from passing the charges.†

By the several Letters Patent, it is provided, in case of a vacancy of either of the sees, and such vacancy should not

\* “ There shall be allowed to Officers appointed to any new office, the periods of one month, two months, or three months for joining, accordingly as the distance may not exceed 300 or 600 miles, or be in excess of the last mentioned distance. Officers not joining their stations within the said periods respectively, shall forfeit their salary for the time delayed in excess of the above periods, and if such excess shall exceed one month, the office shall be vacated, unless otherwise specially ordered by Government.

Upon the first appointment of any Civil Servant, who shall be reported qualified for the public service by the Examiners appointed by Government, to any Civil situation, there shall be allowed for travelling expenses to the station, an allowance at the rate of 8 Annas per mile by the direct Post Road, according to the Polymetrical Tables of the Post Office, the bill for which allowance will be passed by the Civil Auditor, after the Officer shall have joined the station; if required in advance, an order of Government shall be necessary.”—*Sec. xv. xvi. Civil Code, p. 217.*

† Every Chaplain will acquire as early as possible after his arrival a competent knowledge of the vernacular language of the Station to which he is appointed. *See Printed Suggestions of the present Metropolitan.*

be otherwise supplied, or filled up as directed therein, that the episcopal functions of such see shall be carried on by two Clergymen, resident in the Diocese, as may be directed by the Governor General in Council, or respective Governors in Council, as the case may be.

And in case of a vacancy of either of the Archdeaconries, and until the Bishop shall collate thereto, that the duties thereof shall be carried on by one of the Chaplains of the Presidency within which such vacancy shall occur; and if there be no Chaplain there, then by some discreet Minister in Priests' Orders of the Church of England, as may be nominated by the Governor General in Council, or respective Governors in Council, as the case may be.

By the 4th Geo. iv, cap. 71, it is also enacted, "that if any person residing any time in the East Indies or parts aforesaid, as one of the Chaplains of the said United Company shall have been, or shall be; appointed to the office of such Archdeacon as aforesaid, and shall have resided in the East Indies or parts aforesaid as such Archdeacon seven years, the period of residence of such person as Chaplain, shall be accounted and taken as and for a residence as such Archdeacon, in the proportion of three years' residence as such Chaplain, to two years' residence as such Archdeacon; provided also, that nothing therein contained shall extend or be construed to extend to prejudice the right of any person, being or having been a Chaplain of the said United Company, or their Court of Directors; nor to prejudice or affect the right of the said United Company or their Court of Directors, to make, repeal, vary, or alter, any regulations respecting the Chaplains of the said United Company, or the pay, allowances, pensions, or retirements of such Chaplains, which the said United Company or their Court of Directors, may now lawfully make, repeal, vary or alter."\*

Chaplains, and their families, are, in case of sickness, attended upon by the Civil or Military Surgeon of the station *gratis*, as being in the service, and are also allowed medicines by the Government from the public dispensary.

Chaplains are also allowed, in some cases, to have quarters found them, such, for instance, as the Chaplains to the garrison of Fort William.

They are also permitted, at some of the principal stations, to indent for stationary for official purposes.

As to official correspondence, with whom to be carried on.

It is difficult to suggest any rule for the guidance of the Chaplains generally in the three Dioceses, as to official correspondence; what may be laid down in this respect by one Prelate may be objected to by another, as not being within the Bishop's province to regulate. The Bishops in India are moreover, in respect to this governed by the circumstances under which the Chaplains may be placed in the different Presidencies.

As a general practice, it has been usual for the Chaplains, as well as all the Clergy, to address themselves officially to the Government through the Archdeacon, on the following subjects, viz: on matters relating to their Churches and Burial Grounds; concerning also any Government allowances respecting the same; the supply of Books, or Vestments; Communion Plate, and other things. The sanction or recommendation of the Archdeacon thereto, being held in general by the Government to be necessary to every such application. In his absence, such correspondence is carried on through the Commissary deputed to act, or else through the Bishop.

On other higher and spiritual matters, the Clergy communicate direct with the Bishop, or with him through his Chaplain; this practice the Bishops have been always desirous of encouraging.

Rank of Chaplains.

Chaplains rank as Majors, and Assistant Chaplains as Captains. The rank of those Chaplains before the 29th July 1840, is determined by the date of their appointment, and those subsequently by the sailing of the ship on which they proceed from Gravesend to this country.—*Calcutta Gazette, October 3, 1840.*\*

\* In the Presidency of Bengal, a full Chaplain now receives Co's. Rs. 800 monthly, and an Assistant Chaplain Co's. Rs. 500, except when doing duty in the Straits, during which time he receives Co's. Rs. 800 as an equivalent for the dearness of living. The Bengal Chaplain has to subscribe to the Bengal Military Fund and the Bengal Military Orphan Fund a trifling monthly sum from his salary, for which, in case of his death, his widow and children derive great benefit. The Military fund allows to the widow of a full Chaplain who subscribes

With regard, further, as to the Chaplains ; the rules for leave of absence, furloughs, and the like ; also as to retiring pensions ; these are given separately in the last section herein, to which therefore the reader is referred as to those topics. For the different Ecclesiastical proceedings in which the Ministers and Chaplains are concerned, and on which they may wish for information, they are referred to Chapter II, herein, on the Installation of the Bishop ; to Chapter V, on the institution and induction of the Archdeacons ; and to the other Chapters under their respective heads.

It has been usual for the different Ministers and Chaplains, on their return to England, or becoming entitled to pensions, to take home letters testimonial from the Bishop ; or in his absence to obtain them from the Commissary under the Episcopal seal ; which letters testimonial, unless any objection appears, are seldom refused, as the want of them in England, for procuring Church preferment, or pension, might possibly, from the extreme distance of the Indian Dioceses, subject the party to very serious delay and inconvenience.

An official copy of these testimonials, as to the Chaplains, is, by a suggestion of the present Metropolitan, to be transmitted to the Government by the Registrar.

#### SECTION 4.

##### OF THE CANONICAL AND OTHER DUTIES OF THE CLERGY GENERALLY IN INDIA.

The preceding information as to obtaining the regular Episcopal licence to officiate in these Dioceses having been attempted, and the other particulars added, the duties of the a pension of £205 *per annum* if in England, and in India 143 Rupees *per mensem*. The widow of an Assistant Chaplain is allowed a pension of £136 *per annum* if in England, and 95 Rupees *per mensem* if in India, and under peculiar circumstances the widow of either is allowed passage money. The Military Orphan Fund allows to the children of a deceased subscribing Chaplain, to the girls £45 *per annum*, until eighteen, and to the boys £40 *per annum* until seventeen ; and passage money in certain cases. Similar institutions exist at the other Presidencies. As to furlough and pension, see *last Section of this Chapter*.

The stipends of the Missionary Clergy generally are inferior even to those of the Assistant Chaplains ; and the former are in general very poorly remunerated for their important services, and possess moreover no retiring provision like the Chaplains, save in some few instances.

As to other information.  
Letters testimonial on retirement.

Clergy thus licensed will now be endeavoured to be set forth, and the rules of the Church as applicable, given in the present and subsequent sections.

Extract from Bishop Middleton's Charge,  
4th Feb. 1819.

The following extract from Bishop Middleton's second triennial charge to his Clergy in India, delivered 4th February 1819, may be considered, in addition to that given in the preface, not inappropriate as an introduction to this subject, since it presses so strongly on the minds of this Clergy the necessity of adhering most strictly in India to all the laws and canons of the Church as laid down, and as it is also so entirely applicable to the infant Churches now in these Dioceses.

“ I must repeat, till the admonition be absolutely superfluous, that order and system must in all things be maintained. There is, in the present day, a tendency in the world to neglect or to decry them; but they are of God. They prevailed in the Church in apostolic and primitive times, in a degree which now would be stigmatised as superstition. Without them nothing great or good can be accomplished. They are the principles which hold together the works of the Creator. We find them duly recognised in His word. In matters of religion they are especially required, for God is not the author of confusion in the Churches of the saints. We solemnly pledge ourselves to observe them in our ordination vows. In this country, the Natives have no notion of religion without them. They form, in short, the strength, the whole strength of false religions, and the want of them is the weakness of the true one. Impressed with these truths, you will not fail, by precept as well as by example, to uphold the constitution of the Church, in which you were ordained. Nor is it bigotry which I would recommend: unless, indeed, that is so denominated which is opposed to a torrent of undistinguished generalities, or to the dogmatism of some aspiring sect.”

Extract from Bishop Wilson's Charge of the 6th July, 1838 as equally Introductory.

Apology is scarcely necessary for giving in this and other places, so much of what fell from that great and excellent Prelate, the first to occupy the Episcopal chair in these territories, and to whom we owe the original direction as to all that relates to the practical and ordinary duties of the Indian Clergy, followed closely as the same course was by Bishop

Heber, and in most respects enforced by Bishops James and Turner. The present Metropolitan, in his charge of the 6th July 1838, to the Clergy of the Diocese of Calcutta, equally also, in the following sentiments urges on the Clergy, "an accurate and studious observance on all occasions of the Rubrics and Canons of the Church as nearly as possible according to the usage at home. The moral force of our engagements, as Bishop and Clergy, to such a course, is vastly increased by our distance from England; our separation from each other; the difficulty of communication; the novelty and feebleness of the Episcopate; and the spirit of the times."

Proceeding then with the subject of the present Section, and recommending always a reference to the Bishop in case of any doubt as to the expediency, and propriety of following or deviating from any canonical rule in particular in these Dioceses, we notice in the first place, the dress of the Ministry.

The canonical habit, (properly speaking,) is that which is enjoined by the Canons of the Church. Canon 74 ordains, that gowns shall usually be worn, and gives other particulars as to them. In private houses and in their studies, the same Canon lays down, that the said persons Ecclesiastical may use any convenient and scholar-like apparel, and as therein directed.

By Canon 58, every Minister saying the Public Prayers, Dress of the Clergy. or Ministering the Sacraments, or Rites, shall wear a decent and comely surplice; and if any question shall arise touching the matter, decency, or comeliness therof, the same shall be decided by the discretion of the Ordinary. This Canon also further directs, that the dress be agreeable to the degrees of the Clergy by the orders of the Universities.

With regard to the Lord's Day, the 19th Canon directs, The Lord's Day. that all manner of persons within the Church of England, shall celebrate and keep the Lord's Day, (and other Holidays,) according to God's holy will and pleasure, and the orders of the Church of England prescribed in that behalf; in hearing the word of God read and taught; in private and public Prayers; in acknowledging their offences to God, and amendment of the same; in reconciling themselves charitably to their neighbours, where displeasure hath been; in often-

times receiving the Communion of the Body and Blood of Christ; in visiting of the poor and sick, using all Godly and sober conversation. And with regard to the proper observance of this day, Mr. Justice Blackstone thus lays down the Law:—

**Profanation of.**

“ Profanation of the Lord’s Day, vulgarly, (but improperly,) called Sabbath-breaking, is an offence against God and religion, punished by the Municipal Law of England. For, besides the notorious indecency and scandal of permitting any secular business to be publicly transacted on that day, in a country professing Christianity, and the corruption of morals which usually follows its profanation, the keeping one day in seven holy, as a time of relaxation and refreshment, as well as for Public Worship, is of admirable service to a state, considered merely as a civil institution. It humanizes, by the help of conversation and society, the manners of the lower classes, which would otherwise degenerate into a sordid ferocity, and savage selfishness of spirit; it enables the industrious workman to pursue his occupation in the ensuing week with health and cheerfulness; it imprints on the minds of the people, that sense of their duty to God so necessary to make them good citizens, but which yet would be worn out and defaced by an unremitting continuance of labour without any stated times of recalling them to the worship of their Maker. And therefore the laws anciently forbid, as they continue to do, under severe penalties, all merchandizing on the Lord’s Day.”—*Black. Com. vol. 4, p. 63.*

The Common Prayer  
to be said, and obser-  
vance of the services  
on.

Canon 14 ordains, that the Common Prayer shall be said or sung distinctly and reverently upon such days as are appointed to be kept holy by the Book of Common Prayer, and their eves, and at convenient and usual times of those days, and in such place of every Church as the Bishop of the Diocese, or Ecclesiastical Ordinary of the place, shall think meet for the largeness or straitness of the same, so as the people may be most edified. All Ministers likewise shall observe the orders, rites, and ceremonies prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures, and saying of Prayers, as in administration of the Sacraments, without either diminishing in regard of preach-

ing, or in any other respect, or adding any thing in the matter or form thereof.\*

In *Burnett vs. Bonaber*, 2, Hag. 27, it was held that the Church service according to the form prescribed in the Book of Common Prayer is to be regularly performed every Sunday in the morning and evening. If less duty is required, any relaxation must be adopted with the approbation of the Diocesan, who is to judge of the degree to be allowed, and the Minister must strictly adhere to the forms prescribed, and not vary them for his own convenience. This principle is considered to be equally applicable in India.

With regard further to Divine Service it is to be remembered, that uniformity in Public Worship is one of the leading principles of the Church, nothing is left to the opinion of individuals or of private judgment; if every Minister were to alter, omit, or add, according to his own taste, he might, from beginning with trifling changes, extend his views to the alteration of even the Scriptures themselves, under a notion of giving a more correct Version.—*Rogers' Ecclesiastical Law*, 763.

By Can. 38, if any Minister after he hath subscribed to the Book of Common Prayer, shall omit to use the form of Prayer, or any of the orders and ceremonies prescribed in the Communion-book, let him be suspended; and if after a month, he do not reform, and submit himself, within the space of another month, let him be deposed from the Ministry.

And by Can. 98, after any Judge Ecclesiastical hath pronounced judicially against contemners of ceremonies, for not observing the rites and orders of the Church of England, or the contempt of Public Prayer, no Judge, *ad quem*, shall allow of his appeal, unless the party appellant do first personally keep and observe all the rites and ceremonies of the Church of England, as also the rescript form of Common Prayer, and do likewise subscribe to the same.

Bishop Middleton's sentiments on the above subject regarding the performance of the entire Service in India, may be collected from the following extract, taken from his ad-

\* At the Mission Stations and Churches, it is desirable that this Canon should, as far as possible as to the daily services, be strictly pursued.—*Suggestions of the present Metropolitan.*

Bishop Middleton as to omission of any part of the Liturgy.

dress on the opening of his Consistory Court : “ Another point on which it may be proper to remark is, the obligation which binds every Clergyman not merely to use the Liturgy of the Church, but to use it entire ; as he is forbidden to make substitutions or to add to it, so he is liable to censure if he presume to omit any portion of what the Rubrics have directed to be used. It seems not always to be considered, that the Rubrics have the validity of an Act of Parliament, having been repeatedly so recognized ; and if it were otherwise, it would be difficult to understand how any Clergyman could fulfil his solemn declaration made before the Ordinary, and repeated in the presence of his flock, that he ‘ *will conform to the Liturgy of the Church of England as it is now by law established,* ’ if he omit any portion of it, when the same sanction has been given to the whole.”—*Bishop Middleton’s address at the opening of the Consistory Court. See the last Chapter herein.*

Bishops may order two full services including if so directed a Sermon or Lecture.

Bishops may order that there shall be two full services on Sundays throughout, or during part of, the year, each, if so directed, to include a Sermon or a Lecture. 1st and 2d Vict. Cap. 106, § 60.\*

Hours of Divine Service in India.

As to the hours when Divine Service is usually to be performed in India, it was the opinion of the two first Prelates, and is that of the present Metropolitan, that they should be as uniform as possible, in all the Dioceses in this country. Ten o’clock is the general hour for Morning Service, except at stations where the European Troops attend ; and that hour, in truth, is found to be most convenient throughout.† During the hot months, frequent attempts

\* Every Chaplain is to perform Divine Service to the European, Civil, and Military residing in his station, when the Morning Prayer is to be read as in the Dioceses throughout England, and a Sermon to be preached. They are also directed regularly to read the Evening Prayer, and to preach a Sermon, except when a Catechetical Lecture is substituted.—*Suggestions of the present Metropolitan.*

† At Military Stations, the hour is fixed with reference to the health and convenience of the Troops. At all these Stations, the Commanding Officer in concurrence with the Chaplain fixes the hour.—*Orders of the Supreme Government, 20th February 1834.*

The following appeared in General Orders, No. 2991, 20th December 1819 :—  
“ It having been represented to the Commander-in-Chief, the very great inconvenience arising from any interference of the Military Authorities with the

have been made at the European Stations to have the Morning Service on Sundays soon after sunrise, and the Afternoon Service between seven and eight in the evening. This was felt to occasion so great a space between the services that the sacredness of the day was, in a great measure, lost sight of; others complained also of the inconvenience of so very early an hour. In consequence, ten o'clock for the Morning Service has in general been found at most Stations to secure a fuller attendance in the Churches than any other hour.

During Divine Service quietness is to be kept; the duty of maintaining order and decorum in the Church is laid down by Lord Stowell, 2 *Hag. Con.* 141.

By Canon 19, no idle persons are to abide either in the Church yard, or Church porch, during the time of Divine Service.

In *Glover v. Hind.* 1, *Mod.* 168, 3 *Burn's Eccl. Law*, 262, it was declared that, at Common Law, a person disturbing Divine Service might be removed by any person there present.

With regard to the regular observance of Divine Service on the part of the congregation, it is expected that the Indian Clergy, more especially so in the absence of regular Church-wardens, and in the recent introduction of the Church into this country, will see strictly that all things are done decently, reverently, and according to order in their respective Churches, or Chapels, and other places at which Divine Service is usually performed. A knowledge of the Rules by which he is governed in this respect cannot to the young Indian Churchman be superfluous.

By Can. 18 it is enjoined, that no one shall cover his head in the Church or Chapel during the time of Divine Service. It is also required, that all do kneel at the general Confession, Litany, and other Prayers, and shall stand up at the Belief as directed in the Rubric. Likewise, that when

Quietness to be kept during Divine Service.

No idle persons to be allowed at the door or in the Church.

On the part of the Congregation.

The rules to be observed under the Canon.

' Ecclesiastical Department, I am directed by the Commander-in-Chief to refer you, for your future guidance, to G. G. O. 5th December. 1815. In conformity with the provisions of which regulation, all authority over the Chaplains of stations being vested in the Lord Bishop of Calcutta, it is not competent to any General or other Officer commanding a station, where a Chaplain may be fixed, to grant licence to another Clergyman to officiate, when the Chaplain specially appointed to perform the duties of that station is present.'

the name of the Lord Jesus is mentioned, due and lowly reverence be made, as is accustomed. The same Canon directs that none of whatever calling shall be otherwise at such times busied ; but shall say in their due places, audibly with the Minister, the Confession, the Lord's Prayer, and the Creed, and make such answers as are appointed ; neither shall the Clergy allow any to disturb the service, nor to depart out of the Church during the time of service, but for some urgent or reasonable cause.

*The service to commence as directed.*

The Morning and Evening Service should commence as directed in the Book of Common Prayer. To begin, therefore, by singing a Psalm or Hymn, or chaunting any verse, is irregular, and liable to censure in the Minister who suffers it.

*Prayers relating to the Royal Family.* Prayers relating to the Royal Family may be altered from time to time by the King or Queen in Council.—13 and 14 Car. II, Cap. 4, § 25 ; Gibs. 280.\*

*The Litany.*

Both the Rubric and Canon 15 are express as to the days and times on which the Litany is to be read ; namely, upon Sundays, Wednesdays, and Fridays, and at other times when it shall be commanded by the Ordinary.

*Church Notices.*

All notices of vestry and other meetings and the like, during or after Divine Service, are now prohibited in England under 1 Vict. Cap. 45. And doubtless the practice will be directed to be observed in these Dioceses. The following are the exceptions as to these notices :—

### 1. Publication of Banns of Matrimony.

\* The following is the State Prayer in use for British India. The facts relating to it, as furnished to the Author by the present Metropolitan, are as follows. The alterations of the terms in the State Prayer for the Parliament adapting it to British India, were made by the present Metropolitan according to the intentions of Bishop Heber. He found a new and unauthorized form said to have been sent out by a former Bishop of London, in use at the Fort Church. For this he substituted the prayer for the Parliament thus altered in its State terms. The alterations were approved of by the Governor General in Council.

They were submitted also to his Grace the Archbishop of Canterbury and the Bishop of London, who expressed their approbation, though not in an official manner.

### The prayer.

Most gracious God, we humbly beseech Thee, as for the Empire in general, so especially for British India ; for the Governor General ; the Governors ; the Supreme Courts of Judicature ; the Councils, and all who are intrusted with any authority therein ; that Thou wouldest be pleased to direct and prosper all their proceedings, to the advancement of Thy Glory, the good of Thy Church, the safety, honor and welfare of our Sovereign and Her Dominions. And this we beg for Jesus Christ, His sake. Amen.

2. Notice of the celebration of Divine Service, or Sermons.
3. Declaration by the Curate of Holy-days and Fasting-days in the week following, in pursuance of the Rules in the Book of Common Prayer.
4. Proclamation or publication of what is prescribed by the Rules of the Book of Common Prayer, or enjoined by the Queen or Ordinary.—*See Rogers' Eccl. Law*, 768.

As to Church Music, and the Psalms and Hymns to be <sup>Psalmody.</sup> used, it may be noticed, that though the Rubric directs the manner of Church Service, yet many matters are left to the discretion of the Minister, subject to the Ordinary. In *Hutchins v. Dengiloe and another*, 1 *Hag. Con.* 170, it was decided, that, although by general usage chaunting parts of the service is limited to Cathedrals, and that singing in the ordinary Parochial service does not generally extend beyond a plain congregational melody, yet in point of Law, there was nothing to prevent the singing or chaunting a part of the service in a Parochial Church; a Clergyman therefore who had directed it to be done was considered not to have been guilty of irregularity, though the discretion of such an order might perhaps be questionable.—*Ibid* 765.

With reference to the practice hitherto observed as to <sup>In India.</sup> the Psalms sung at the Churches in the Indian Metropolis and other places, it would be noticed, that the authorized versions are not invariably followed in India, any more than in England, highly desirable as it is, that uniformity in this respect, should prevail throughout the Church, both at home and abroad.

After the Nicene Creed, and at the end of the Communion, it shall be declared unto the people what Holy-days or Fasting-days, if any, are in the week following to be observed; and also, if occasion be, notice shall be given of the Sacrament of the Lord's Supper.\* <sup>After the Nicene Creed.</sup>

On the subject of Preaching generally, it is laid down, <sup>Preaching in the Churches.</sup> that no Priest, not being licensed, shall exercise the office of preaching.—*Lind.* 288; *Art.* 23; *Can.* 36.

\* Bishop Middleton considered it irregular for the reader, (if another preached,) not to return to the reading desk whilst the Sermon was delivered.

After the Preacher shall be licensed, he is required by Canon 45, if he has no lawful impedient, to preach one sermon every Sunday of the year.

By Canon 50, no Minister is to suffer any man to preach within his Church, but such as, by shewing their licence to preach, shall appear sufficiently authorized thereto.

Praying before the Sermon. It was anciently the practice before the Sermon for silence to be kept for a time for the people's secret prayers, a custom now only required to be observed in the office of Ordination of Priests. By Canon 55, it is ordained, that before all Sermons the Preacher shall move the people to join with him in prayer in the form, or to the effect therein laid down, always concluding with the Lord's Prayer.\*

No Preacher to impugn, &c. No Preacher shall in the pulpit particularly, or namely, of purpose, impugn or confute any doctrine delivered by any other Preacher in the same Church, or in any Church near adjoining before he hath acquainted the Bishop therewith, and received his order, because upon such public dissenting and contradicting, there may grow much offence and disquietness unto the people. *Can. 53.* Nor may he oppose the Nine and Thirty Articles, or what is therein laid down. *Can. 5.*

What to be explained by the Clergy in their Sermons, and when. With reference to the subjects to be explained in Sermons, Archbishop Peecham observes, "that the Priest shall in the course of the year explain, (*Lind.* 1, 43, 54,) amongst other topics, the great doctrine of the Trinity; the creation of Heaven and Earth by the whole and undivided Trinity; the sanctification of the Church by the Holy Ghost and the Sacraments; the consummation of the Church in eternal Glory to be truly raised again in flesh and spirit; and the eternal Punishment to the reprobate; the Incarnation of our Saviour; His Birth; His sufferings and death upon the cross; His descent into the grave; His resurrection; His ascension, and His future coming; the Ten Commandments and the Two Evangelical Precepts." This extract, though perhaps of no

\* The author has not been able to find any where a printed copy of Bishop Middleton's Prayer, which he directed to be used before the Sermon on particular occasions, or stated days at the Cathedral, and regrets his inability to add it in this place.

authority, *proprio vigore*, at this date, is yet given, as suggesting many useful hints.

In India, the Sacramental Elements are in general provided by the Chaplains on the part of the Government.\* The rest of the Clergy not Chaplains, provide the elements, for their respective Churches.

The Rubric requires, that none be admitted to the Holy Communion until such time as he be confirmed, or be ready or desirous to be confirmed.

None shall give Communion to the Parishioner of another without manifest licence; but this ordinance is not to extend to travellers, persons in danger of death, nor to cases of necessity.

No Minister shall in any wise admit to the Communion any of his flock who are known to live in notorious sin.  
*Can. 26, 109.*

Nor shall he administer the same to any but such as kneel at. kneel, *Can. 27.* With regard to kneeling, see Rubric at the end of the Communion Office. Likewise the Minister shall deliver both the Bread and Wine to every Communicant severally. *Can. 21.* And this implies also the use of the words directed to be said to each at the time of giving the Bread and Wine.

It is ordered by the Rubric that in Cathedrals and Collegiate Churches, the Communion be received every Sunday, except reasonable cause be shewn to the contrary, and by Canon 24 on principal Feast-days.†

After Divine Service is ended, the Sacramental collection is disposed of to such pious and charitable uses as the Minister shall think fit, or as shall be appointed by the Ordinary.—*Rubric.*‡

*Rubric.*—If any of the Bread and Wine remain of that which was consecrated, it shall not be carried out of the Church; but the Priest, and such other of the Communicants as he

\* The expences are allowed by the Government in the contingent bills drawn.

† The present Metropolitan considers that the Communion should be administered in all the Churches, at least monthly.—*Suggestions.*

‡ The alms collected at the celebration of the Holy Communion, should be distributed by the Chaplain or Minister amongst the Christian poor of the Communicants or of the Congregation; or, if there be no such poor, then to some Native Christian Orphan Asylum, or other charitable object.—*Suggestions of the present Metropolitan.*

shall then call unto him, shall, immediately after the blessing, reverently eat and drink the same.\*

When no Communion, what is to be said.

The Rubric directs, that “upon the Sundays and other Holy-days (if there be no Communion) shall be said all that is appointed at the Communion until the end of the General Prayer for the whole state of Christ’s Church Militant here on earth, together with one or more of the Collects there following, concluding with the Blessing.”

## SECTION 5.

### OF THE DUTIES OF THE MINISTERS AND CHAPLAINS IN THE EAST INDIES IN REFERENCE TO BAPTISM.

Baptism is that Sacrament by which a person is initiated into the Christian Church; the receiving of which is not limited generally to any time or age of life.

As to the form of Baptism, our Saviour only instituted the essential parts of it, namely ; that it should be performed by a proper Minister with water in the name of the Father, Son, and Holy Ghost, (Matt. 28th, 19.) But as for the rites and ceremonies of the administration of it, he left them to the determination of the Apostles and Church. Yet without doubt a form of Baptism was very early agreed upon, because almost all Churches in the world do administer it much after the same manner. The latter ages indeed had made some superfluous additions, but our reformers removed them and restored this office to a nearer resemblance of the ancient model, than any other Church can shew. We have now three several offices in our Liturgy, namely ; one for Public Baptism of Infants, in the Church ; another for Public Baptism of Children, in houses ; and a third for such as are of riper years, and able to answer for themselves.—*Wheately on the Common Prayer.*

\* With reference to the celebration of the Holy Sacrament in these Dioceses, attention may perhaps be called to the practice which is observed sometimes to prevail, of permitting others, particularly the Heathen servants, to remain in the Church, with those who communicate; such a practice, is surely not in accordance with the spirit of the rules of the Church, regarding the extreme sacredness of the Eucharist.

Baptism of young Children is in any wise to be retained in the Church, as most agreeable with the institution of Christ. Art. xxvii. Curates shall often admonish the people that they defer not the Baptism of their Children longer than the first or second Sunday next after their birth, or other Holy-day falling between, unless upon a great and reasonable cause to be approved by the Curate.—*Rubric.*

At first Baptism was administered publicly, as occasion served, by rivers; afterwards the baptistery was built, at the entrance of the Church, or very near it, which had a large basin in it, that held the persons to be baptized, and they went down by steps into it; afterwards, when immersion came to be disused, fonts were set up at the entrance of Churches.—1 *Still. Ecclesiastical Cases*, 146.

*Edmund.*—There shall be a font of stone, or other competent material in every Church, which shall be decently covered and kept, and not converted to other uses.—*Lind.* 241.

And by Canon 81, there shall be a font of stone in every Church and Chapel where Baptism is to be Ministered; the same to be set in the ancient usual places, in which font only, the Minister shall Baptise publicly.

The people are to be admonished, that it is most convenient that Baptism shall not be administered but upon Sundays and other Holy-days, when the most number of people come together; as well for that the congregation there present may testify the receiving of them that be newly baptized into the number of Christ's Church, as also because in the Baptism of Infants, every man present may be put in remembrance of his own profession made to God in his Baptism. Nevertheless, if necessity so require, Children may be baptized upon any other day.—*Rubric.\**

And by Canon 68, no Minister shall refuse or delay to christen according to the form of the Book of Common Prayer, any Child that is brought to the Church to him, upon

\* The present Metropolitan suggests, that this rule, should wherever it conveniently can, be strictly observed in India. But in truth the practice of Baptising Infants, during Divine Service on Sundays, sound and proper as it is, has been found in large and populous places (and where the congregation is chiefly composed of the Military) inconvenient, and is seldom thus performed. In the Native Indian Churches, that prelate however, directs that the rule should be closely followed.

Baptism of Infants.

A font for Baptism to be in every Church

Duties of the Clergy in respect to Baptism.

Sundays and Holy-days, to be christened, (convenient warning being given him thereof before). And if he shall refuse so to do, he shall be suspended by the Bishop of the Diocese, from his Ministry, by the space of three months.

The Curate shall often warn the people that, without great cause and necessity, they procure not their Children to be baptized at home in their houses.—*Rubric.*

The Minister not to refuse or delay Baptism.

By *Canon 69.* If any Minister being duly, without any manner of collusion, informed of the weakness and danger of death of any Infant unbaptized in his parish, and thereupon desired to go or come to the place where the said Infant remaineth, to baptize the same, shall either wilfully refuse so to do, or of purpose, or of gross negligence shall so defer the time as when he might conveniently have resorted to the place and have baptized the said Infant, it dieth through such his default unbaptized, the said Minister shall be suspended for three months, and before his restitution shall acknowledge his fault, and promise before his Ordinary, that he will not willingly incur the like again, provided that where there is a Curate or a substitute, this constitution shall not extend to the Person or Vicar himself, but to the Curate or substitute present.

Private Baptism

*Rubric.*—“The Child being named by some one that is present, the Minister shall pour water upon it, saying *the words prescribed;*” and the Rubric continues, “let them that are present not doubt, but that the Child so baptized is lawfully and sufficiently baptized, and ought not to be baptized again.” Yet nevertheless, if the Child, which is after this sort baptized, do afterward live, it is expedient that it be brought into the Church to the intent that the congregation may be certified of the true form of Baptism, privately before administered to such Child.

Previous notice of Baptism to be given.

When there are Children to be baptized, the Parents shall give knowledge thereof over night, or in the morning before the beginning of Morning Prayer, to the Curate.—*Rubric.*

To be Godfathers, &c.

There shall be for every male Child to be baptized, two Godfathers and one Godmother; and for every female, one Godfather and two Godmothers.—*Rubric.*

No Parent to be Godfather, &c

No Parent shall be urged to be present, nor be admitted to answer as Godfather for his own Child: nor any God-

father and Godmother shall be suffered to make any other answer or speech, than by the Book of Common Prayer is prescribed in that behalf. Neither shall any person be admitted Godfather or Godmother to any child at Christening or Confirmation, before the said person so undertaking hath received the Holy Communion.—*Can. 29.*

And the Godfathers and Godmothers, and the people with the Children, must be ready at the font, either immediately after the last lesson at Morning Prayer, or else immediately after the last lesson at Evening Prayer, as the Curate by his discretion shall appoint.—*Rubric.*

And the Priest coming to the font, which is then to be filled with pure water, shall perform the office of Public Baptism.—*Rubric.*

The Priest, taking the Child into his hands, shall say to the Godfathers and Godmothers, “Name this Child:” and then naming it after them, (if they shall certify him that the Child may well endure it,) he shall dip it in the water discreetly and warily, saying, “I baptize thee, in the name of the Father, and of the Son, and of the Holy Ghost.”—*Baptismal Office.*

But if they certify that the Child is weak, it shall suffice to pour water upon it.—*Rubric.*

Then the Minister shall sign the Child with the sign of the cross. And to take away all scruple concerning the same, and the true explication thereof, the just reasons for the retaining of this ceremony, are set forth in the Thirtieth Canon.—See also the *Rubric at the end of the office for Baptism.*

And it is further ordained in the office of Public Baptism, that the Minister direct the Godfathers and Godmothers to take care that the Child be brought to the Bishop to be confirmed by him, as soon as he or she can say the Creed, the Lord’s Prayer, and Ten Commandments, and be further instructed in the Church Catechism set forth for that purpose.

“It was thought convenient, that some Prayers and Thanksgivings, fitted to special occasions, should be added, in their due places, particularly for those at Sea, together with an office for the baptism of such as are of riper years, which although not so necessary when the former book

The Child to be confirmed when competent to understand.

Baptism of those of riper years.

was compiled, yet by the growth of Anabaptism, through the licentiousness of the late age, crept in among us, is now become necessary, and may be always useful for the baptizing of Natives, in our plantations, and others converted to the faith.”—*Preface to the Book of Common Prayer.*

The Rubric directs, that when any such persons, as are of riper years, “are to be baptized, timely notice shall be given to the Bishop, or whom he shall appoint for that purpose, a week before at the least, by the Parents, or some other discreet persons; that so due care may be taken for their examination, whether they be sufficiently instructed in the principles of the Christian Religion; and that they may be exhorted to prepare themselves with Prayers and Fasting for the receiving of this Holy Sacrament. And if they shall be found fit, then the Godfathers and Godmothers, (the people being assembled upon the Sunday or Holy-day appointed,) shall be ready to present them at the font immediately after the second Lesson, either at Morning or Evening Prayer, as the Curate in his discretion shall think fit.”

And, “it is expedient that every person thus baptized, should be confirmed by the Bishop so soon after his baptism as conveniently may be; that so he may be admitted to the Holy Communion.”—*Rubric.*

In these Dioceses, and at the regular Mission stations attached to the Incorporated Society for the Propagation of the Gospel in Foreign Parts, and to the Church Missionary Society, those of the Heathen, who have been converted, and are candidates for Baptism are previously instructed by the School-masters and Catechists, in the rudiments of Christianity, and undergo, as Catechumen, a probation of some considerable length, sometimes of two years or more, before they are admitted to this Sacrament.\*

\* The following account of the manner in which accessions to the Missions are made in these Dioceses is taken from Bishop Wilson’s letter to the Society for the Propagation of the Gospel in Foreign Parts, dated 11th January, 1838:—

“After the new Religion is explained to the enquirer; the necessary sacrifices are then honestly detailed to them: ‘ You must renounce caste, you must forsake idolatry and its attendant festivals and usages; you must live chastely with one wife, and one wife only; you must attend Church on the Lord’s Days; you must welcome the Missionary to your villages; you must expect no earthly profit or advantage of any kind, except the blessings, temporal and

Women, when their time of child-bearing is near at hand, *Lay Baptism.* shall have water ready for baptising the Child in case of necessity. Against cases of necessity, the Priests on Sundays shall frequently instruct their parishioners in the form of Baptism, which form shall be thus: “I crysten the in the “name of the Fader and of the Sone, and of the Holy “Goste.” *Peecham, Lind.* 244. Infants baptized by laymen or women (in imminent danger of death) shall not be baptized again; and the Priest shall afterwards supply the rest.

If a child shall be baptized by a lay person at home by reason of necessity, the water (for the reverence of Baptism) shall either be poured into the fire, or carried to the Church to be put into the font; and the vessel shall be burnt, or applied to the uses of the Church.

By the Rubrics of the 2nd and of the 5th of Edw. vi, it was ordered thus: “The pastors and curates shall often “admonish the people, that without great cause and neces-“sity they baptize not children at home in their houses; “and when great need shall compel them so to do, that “then they minister it on this fashion; first, let them that “be present call upon God for his grace, and say the Lord’s “Prayer, if the time will suffer, and then one of them shall

“spiritual, flowing from Christianity itself; you must wait a long, long time  
“under instruction, (generally about two years,) before you can think of being  
“admitted to Holy Baptism, choose you then,’ adds the Missionary and Cate-  
“chist, ‘whom you will serve.’ ”

“If they confirm their wish to be received as Catechumens, they are welcomed  
“into the porch, or as we should here say, the verandah of the Christian Temple.  
“The Missionary observes their attendance or otherwise, regularly at Church;  
“he visits them almost weekly at their homes; he sends them Native, and if  
“possible, European Catechists; he notices whether they really break of from  
“Idolatry: whether they forsake all uncleanness; whether they dread telling lies  
“and cheating; whether they pray in secret; whether they shew something of a  
“genuine sorrow for sin and shame for their past Idolatry; whether they behave  
“well to their wife and children; whether they are more diligent and cleanly in  
“their habits; whether they seem really to believe that unless they forsake all  
“evil practices and believe in the name of Jesus Christ, they cannot be saved;  
“lastly, whether any just complaints are brought against them either by their  
“brother Catechumens or the Heathens, of inoment.

“By these kinds of evidence the Missionary judges. After two years or more,  
“he communicates to myself [the Bishop] or the Archdeacon the number whom  
“he thinks prepared for Baptism. If possible we [the Bishop and Archdeacon]  
“come down and examine the candidates and assist at their baptism ourselves.”

" name the child, and dip him in the water, or pour water upon him, saying these words : I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost."

By the Canon law the administration of Baptism is regularly confined to Priests ; but in cases of necessity laymen and even women were allowed to perform the ceremony.

The whole question underwent an elaborate discussion in the case of *Kemp v. Wickes*, in which Sir J. Nicholl held that a child baptized by a dissenter with water and the invocation of the Trinity was baptized in the sense of the Rubric to the Burial Service, and of the 68th Canon, and therefore that the Burial of such child was obligatory on the Clergyman. It is hardly necessary to say that the Canons, being promulgated in 1603, before the legal existence of dissenters, could have had, at the period of their enactment no reference to that body, and it would seem that a Baptism performed by lay hands, in the case of an imminent emergency was that which was contemplated by the Canon in question. This case of *Kemp v. Wickes*, from which there was no appeal, is as yet the only decided case on this subject, but the question has been again mooted in another case, and is *ad hoc sub judice* in the Arches' Court of Canterbury ; and it is believed, an appeal, should the sentence of the Judge be in affirmation of *Kemp v. Wickes*, will be prosecuted to the Judicial Committee of the Privy Council.\*

\* The case here alluded to, is that of *Mastin v. Escott*, decided 2d May 1841, and reported in Curteis's Reports, vol. II. page 692, in which the Arches' Court of Canterbury, (Sir Herbert Jenner, presiding,) held that a child who had received the outward and visible form of Baptism, (that is, had been sprinkled with water in the Name of the Father, and of the Son, and of the Holy Ghost,) by a dissenting minister, not being a lawful Minister of the Church of England, nor episcopally ordained, was considered to be baptized, so as to be entitled to the Burial Service being read at its interment ; and that the Minister refusing to perform the office for the interment of the dead over the body of a Parishioner so baptized, due notice of the death, and of the funeral, having been given him, as also that the deceased had been baptized by a dissenting Minister, came under the provision of the 68th Canon. This decision was soon after affirmed on appeal by the Judicial Committee of the Privy Council.

Since the foregoing went to press, the point, whether heretical or schismatical baptism was valid or not, has been raised, and was decided in May last in the Arches' Court in the case of *Titchmarsh v. Chapman*, wherein it was distinctly averred that the baptism was heretical, the person who administered the rite being an heretical person. In this case the Judge, Sir Herbert Jenner Fust,

In 1806, a very eminent civilian was consulted as to whether a Clergyman was bound to baptize the child of a dissenter, knowing that such child was to be brought up in dissent from the doctrines of the Church of England. To this question the following opinion was returned :—

### OPINION.

“ By the 68th Canon any Minister, who shall refuse or delay to christen any child brought to him on Sundays or Holy-days after due notice, is liable to be suspended from his Ministry for three months. The phrase ‘any child,’ is general. There is no distinction of parishioners who frequent the Church or any other place of Divine Worship.

“ The reasons given by the Clergyman himself in this case might be easily shewn to be weak and fallacious.

“ But the authority of the law is clear and express on this point. The objection would, of course, be much stronger against the children of popish recusants, (that is, of persons convicted by law of being papists.) than of those parents supposed to be protestant dissenters, yet by the “3

presiding, held that, whether the baptism had been performed by an heretical person or by a layman, the same principle applied, and that it was valid. In stating the grounds of his decision, the learned Judge is reported to have observed ‘the main principle was that if, as had been admitted, baptism by a layman was valid in itself, he could not understand wherein consisted the difference as respects the validity of the rite between baptism by a layman, and by a heretic or schismatic; both were irregular, but both were valid, and, in the words of the Rubric, the person was “lawfully and sufficiently baptized.”’ It had been contended that there was a deficiency in the rite, and that deficiency might have been afterwards supplied, had the party lived and appeared before the Bishop for confirmation; but the want of confirmation did not disqualify this infant, any more than one baptized by a person in Holy Orders, from having the burial service read over it. Some reliance had been placed upon the argument, that the excommunication *ipso facto* worked at once, without sentence, a disqualification; but the learned Judge showed, from authorities and upon principle, that such excommunication could not attach till there had been a declaratory sentence; and even then all civil disqualification and incapacity whatsoever had been taken away by statute. Upon the whole he was of opinion to reject the allegation, but he should allow the case to stand until next Court-day, for the party to apply, if he thought fit, for leave to appeal.”

This last case is believed to be now under appeal to the Privy Council.

"*Jac. I, Cap. 5, S. 14,* all popish recusants are compelled  
"to bring their Children to be baptised by a lawful Minister  
"in the Parish Church.

F. LAWRENCE.

Doctors' Commons, 14th July, 1806.

*Burn's Ecc. Law, vol. I, page 155a.*

Fees for Baptism.

*Langton.*—We do firmly enjoin that no sacrament of the Church shall be denied to any one, upon the account of any sum of money, because if any thing *hath been accustomed to be given* by the pious devotion of the faithful, we will that justice be done thereupon to the Churches by the Ordinary of the place afterwards.

[*hath been accustomed to be given.*]

This is, of old and for so long time as will create a prescription, although at first given voluntarily. For they who have paid so long are presumed at first to have bound themselves voluntarily thereunto. *Lind. 279.\**

As to the form of Registry of Baptisms, see Sect. 8 of this Chapter.

\* In the Diocese of Calcutta, a moderate fee has been accustomed to be given, when the baptism is performed at a distance, and not at the Church; except in case of dangerous illness.

## SECTION 6.

THEIR DUTIES IN THE DIOCESES IN THE EAST INDIES, IN  
REFERENCE TO THE SOLEMNIZATION OF MARRIAGE.

Those who profess the doctrine and discipline of the Established Church in these Dioceses, when their marriages are solemnized, anticipate the due observance of the Rubric on the part of the Clergy, not only as it regards the blessings supposed to follow therefrom, but as securing to them and their families the temporal and legal privileges which ensue from a compliance therewith.

It is not however the object of this work, intended for the use of the Clergy, to attach an over-importance to the performance of any of their duties considered merely with reference to the law. We simply notice, respecting the law applicable to this Section, that it seems to be held, (except in the instance of marriages solemnized by a Minister of the Scotch Church, which marriages are rendered valid by 58 Geo. III, Cap. 84,) that the law by which the Clergy and Laity are governed in the Colonies is the same with that which existed prior to the passing of the Marriage Acts in England, except where it has been regulated by enactments or ordinances of their own Municipal Law, or by Orders in Council. *Phil. Burn Ecc. Law, vol. II, page 433, F.F.*

Nor may it be deemed irrelevant simply to add in this place as respects those marriages which are not performed by a Priest, and which are permitted by the Government, on the application of the Parties, to take place in this country, in the absence of a person in Holy Orders to perform the ceremony, that it would appear to be the opinion of those competent to judge of such matters, that “a marriage by the Chief Military Authority at a Military Station in the Company’s Territories where there is no Clergyman or person in Holy Orders to be had, and where no other impediment interposes, is valid and binding on the parties. A subsequent marriage by either with a third party during the life of the other would be void.” Such is the opinion represented to have been given by eleven out of twelve of the most eminent counsel in England, to whom a case was sub-

mitted some years ago, regarding the validity of a marriage so performed. A question, however, may arise as to whether the Children of parties so married would be entitled to inherit real property in England in consequence of the ceremony not having been performed by one in Holy Orders legally recognized.\*

However some opinions may differ as to the legal necessity of either Banns or Licence in these Dioceses, it may be observed, that the regular Clergy when called upon to marry parties, are considered bound to follow all the precautions enjoined by the Rules of the Church, if to prevent only irregular and incestuous marriages; and that they are liable under the Canon to suspension, *ipso facto*, for three years, if they solemnize Holy Matrimony without either Banns or Licence, or otherwise than according to the rules therein laid down. No Minister can at present be compelled, at least by any known law, to perform the ceremony without either the publication of Banns or the production of the Licence. Holy Matrimony must also be celebrated, not only by a Minister in Holy Orders, but also in the form prescribed and at the time and place, and in "*facie Ecclesiae*," or publicly according to the Ritual.

Since 1828, in the Diocese of Calcutta, it has been the practice with the Bishop, in his episcopal character, to grant his faculty or licence to marry, dispensing with the publication of Banns, on the usual oaths and security. This is now done in the three Dioceses, and with all possible caution, so as to guard the Church against making her ordinances and the Christian altar the instruments and channel to what she considers to be a sinful marriage, and which the increasing number of the members of the Church in India, renders more than ever necessary. Surrogates under the Bishops, and their Commissaries, are now regu-

\* A case, for instance, may occur, in which the Chief Military or Civil Authority is not a member of the Church of England, nor the parties themselves of that persuasion. To use the Church Service for Matrimony in any such case in this country, must surely be questionable. Whether parties, solemnly and publickly acknowledging themselves to be man and wife, according to God's Holy Ordinance, before the Chief Military or Civil Authority, and those present, may not be sufficient in such instances, provided the proceeding be publicly attested and registered, is a point submitted.

larly appointed at all the principal stations, for the express purpose of granting such Episcopal licences, and which has been attended with much convenience.\* These Officers are sworn faithfully to execute their office; and give security to the Bishop for the faithful performance of their duties. They return into the Bishop's Registry all affidavits leading to the issue of the licences granted by them as such Surrogates.†

The following few rules as to marriage by licence are now given from the Canons and other authorities.

**Canon 62.** “No Minister upon pain of suspension, *per triennium ipso facto*, shall celebrate matrimony between any person, without a faculty or licence,” except banns are published. “Neither shall any Minister, upon the like pain, under any pretence whatsoever, join any persons so licensed in marriage at any unseasonable times, but only between the hours of eight and twelve in the forenoon; nor in any private place, but either in the Churches or Chapels where one of them dwelleth, and likewise in time of Divine Service.”

The rules of this Canon have been found repeatedly necessary to be further enforced in England, with the view to prevent secret and clandestine marriages, more particularly by the recent statute 4th Geo. iv, Cap. 76, § 20, which provides amongst other things, that if any one, after the 1st day of November 1824, solemnize matrimony, than in a Church or Chapel as described therein, or at any other time, than between the hours of eight and twelve in the forenoon, except by special licence; every person wilfully so offending, and being lawfully convicted thereof, shall be deemed and adjudged guilty of Felony, and shall be transported for fourteen years; provided that all prosecutions be commenced within three years after the offence committed.—*I Hag. Con.* 136, and see also *the 6 and 7 Will. iv, Cap. 85.*

\* The forms as to these appointments will be found amongst the other precedents at the end of this Chapter, as well as the form of episcopal licence of Marriage and Affidavits leading thereto.

† For preparing the papers necessary for the appointment of a Surrogate, and the papers requisite for obtaining a Marriage licence, as well as for the licence itself, and for the acts done in the registering thereof, Fees are charged by the Registrar, professionally and in his character as Proctor and Notary. The amount of the several charges is regulated by the Bishop's certificate of their reasonableness.

No Minister to cele-  
brate marriage with-  
out a licence or pub-  
lication of banns.

This statute does not extend to the colonies. With regard however, to a compliance with the Canon as to these hours, on the part of the Clergy in the East Indies, the author would here merely give what Bishop Middleton observes in his primary charge, before the passing of the above statute. “That the “practice which has been admitted in some instances, of per-“forming the marriage service at all hours of the day, and in “private houses, even where a Church is within a convenient “distance, I cannot sanction or allow, and even where there “is no Church, the decency and solemnity which have pre-“scribed certain hours for the purpose are quite as deserving “regard in this country, as in any part of the world.”—*Charge delivered at Calcutta, 7th Dec. 1815.*

On this subject the author is incompetent to express any opinion of his own, but in a legal sense, he would venture to submit, whether the rules of a Canon, binding universally on the Clergy, and so strongly supported and enforced in England by Act of Parliament, under such severe penalties, must not be in principle, if not in equal at least in some degree, of the same importance to Society in this country, and whether they should not consequently be followed by the Clergy throughout the East Indies. All licenses of marriage in these Dioceses are granted, also, conformably to the terms of the Canon, with an express proviso that the ceremony be performed within the hours prescribed.

These observations concern the Chaplains, and no less so, the Missionary Clergy, the necessity of whose strict canonical conformity, has been so powerfully laid down in another place by the learned Prelate alluded to.

The conduct therefore of any of the Clergy in this country, who celebrate Matrimony, whether by banns or licence, and who do not comply in these and all other legal essentials, is surely open to serious liability.\*

By the same Statute 4th Geo. iv, Cap. 76, § 28, all mar-

\* “No. 46. Clergymen are to direct parties about to be married to attend at the Church or place allotted for Divine Service at a certain time within canonical hours, convenient to the parties.”—*Suggestions by the present Metropolitan.*

It is merely noticed as a fact, that during the prelacy of the three first Bishops of Calcutta these hours were equally directed to be observed throughout the Archdeaconry of Calcutta, and it is believed also throughout all the other Archdeaconries in India, and were generally followed.

riages in England are also to take place in the presence of two or more credible witnesses, besides the Minister who shall celebrate the same, and the entry thereof shall be registered. These particulars are, observed in India.

By a constitution of Archbishop Reynolds, Matrimony shall be solemnized reverently, and in the face of the Church.—

*Lind. 271.*

Mr. Johnson says, it was an ancient custom that marriage should be performed in no other Church but that to which the woman belonged as a parishioner ; and therefore to this day the Ecclesiastical law allows a fee due to the Curate of that Church, whether she be married there or not.—*Johns.* 188, 189.

And, for avoiding of all fraud and collusion in obtaining marriage licences and dispensations, it is laid down by Canon 103, that before such licence shall be granted, it shall appear to the Judge by the oaths of two sufficient witnesses, one of them to be known either to the Judge himself, or to some other person of good reputation then present, and known likewise to the said Judge ; that the express consent of the parents or parent (if one of them be dead,) or guardians or guardian of the parties, is thereunto had and obtained ; and, furthermore, that one of the parties shall personally swear that he believeth that there is no let or impediment of precontract, kindred, or alliance, or of any other lawful cause whatsoever, nor any suit commenced in any Ecclesiastical Court, to bar or hinder the proceeding of the said matrimony according to the tenor of the aforesaid licence.—

*Canon 103.\**

But if both the parties which are to marry, being in widowhood, do seek a faculty for the forbearing of banns, then the clauses before-mentioned requiring the parent's consent may be omitted ; but the parishes where they dwell, both shall be expressed in the licence, as also the parish named where the marriage shall be celebrated.—*Canon 104.*

With regard to the solemnization of marriages by banns, Marriage by banns. the following particulars are extracted from the authorities given :—

\* If any apprehension is entertained that a licence is about to issue in these Dioceses contrary to consent, a form of Caveat may be entered in the office of the Registrar.—See forms, last Section of this Chapter.

By the ordinances of the Church, when persons are to be married, the banns of matrimony shall be published in the Church where they dwell, three several Sundays or Holidays, in the time of Divine Service; and if at the day appointed for the marriage, any man do allege any impediment, as precontract, consanguinity, or affinity, want of parents' consent, infancy, or the like, why they should not be married, (and become bound with sufficient securities to prove his allegations,) then the solemnization must be deferred until the truth is tried. *Rubrick.*

The intention of the publication of banns, is, to make known that a marriage is about to take place between the individual parties: if therefore the publication is such, as not to designate, but conceal the parties, it is no designation. *Fellows v. Stewart, 2 Phill. Rep. 238, Reynolds.* Whilst the marriage is contracting, the Minister shall enquire of the people by three public banns, concerning the freedom of the parties from all lawful impediments. *Lind. 271.* And now, no Minister solemnizing marriages between persons under age after banns published, shall be punishable for solemnizing such marriages without consent of parents or guardians, unless he shall have had notice of the dissent; and if such dissent is declared, such publication of Banns shall be void.

Where the parties dwell in divers parishes, the Curate of the one parish shall not solemnize matrimony between them, without a certificate of the banns being thrice asked from the Curate of the other parish. *Rubrick.*

The form of which certificate, in the Diocese of Calcutta, may be to this effect:—

Form of Certificate of the publication of banns in the Indian diocese. “ I do hereby certify that the banns of Marriage between *A. B.* of

“ \_\_\_\_\_ in the [district or town] of \_\_\_\_\_ in the Archdeaconry  
“ of \_\_\_\_\_ and *C. D.* of \_\_\_\_\_ in the [district or town] of \_\_\_\_\_ have been  
“ duly published in the \_\_\_\_\_ of \_\_\_\_\_ at \_\_\_\_\_ aforesaid, on three sev-  
“ eral Sundays, to wit the \_\_\_\_\_ day of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ and  
“ the \_\_\_\_\_ day of \_\_\_\_\_ now last past, and that no cause or just impe-  
“ diment hath been declared why they may not be joined together in  
“ holy matrimony.

“ Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

“ *A. B.* minister and Chaplain of \_\_\_\_\_.”

The publication of banns is to be regularly entered in the Register Book of the church kept for that purpose, and is to be as follows : “ The banns of marriage between A. and “ B. were published for the (1st, 2d, or 3d,) time in this “ Church on Sunday the ————— in the year of our “ Lord \_\_\_\_\_. ”\*

As to the form in which the celebration of marriage is registered in these Dioceses. *See Section of this Chapter.*\* Register of marriage in the Indian diocese

In concluding this branch of the subject, with reference to the solemnization of marriage by either banns or licence in these Dioceses, it may be laid down in general by the Clergy, that no marriage performed by them can be considered void or voidable, if celebrated ; 1st, before two or more witnesses ; 2dly, in conformity with the Rubric ; 3dly, in a Church or place where Divine Service is usually performed ; 4thly, in pursuance of banns or licence, (and if by licence in conformity with its provisions) ; and 5thly, between single persons consenting, of sound mind, and of the age of 21 years, or of the age of 14 in the case of men, and of 12 in women, with consent of parents and guardians, or without, in case of widowhood. It may, however, be useful to add the following more detailed summary, extracted from very high legal authority :—

As to the solemnization of marriage, this is regulated by the Laws and Canons of the nation where we reside ; and every State allows such privileges to the parties it deems expedient, and denies legal advantages to those who refuse to solemnize their marriage in the manner the State requires ; but they cannot dissolve a marriage celebrated in another manner, marriage being of Divine institution, to which only a full and free consent of the parties is necessary.

Taking marriage in the light of a Civil contract merely, the law treats it as it does all other contracts, allowing it to be good and valid in all cases where the parties at the time of making it were, in the first place, willing to contract, secondly, able to contract, and lastly, actually did contract,

\* The permission to marry granted by Commanding Officers to private Soldiers under their command is given under Military regulation. This permission is not to supersede the necessity for the publication of banns. *Suggestions of the present Metropolitan.*

in the proper forms and solemnity required by law. 1 Com. c. 15, p. 433.

First. They must be willing to contract, “consensus non concubitus facit nuptias,” is the maxim of the Civil law in this case, and it is also adopted by the Common Lawyers. 1 Inst. 33.

And secondly able to contract.

Secondly. They must be able to contract; in general all persons are able to contract themselves in marriage, unless they labour under some particular disabilities and incapacities.

Canonical disabilities.

Precontract. Consanguinity, or affinity by marriage, and corporeal infirmities.

These disabilities are of two sorts: first, such as are canonical, and therefore sufficient by the Ecclesiastical law to void the marriage in the spiritual Court; but these in our law only make the marriage voidable, and not *ipso facto* void, until sentence of nullity be obtained; of this nature are pre-contract, consanguinity, or relation by blood; affinity, or relation by marriage; and some particular corporeal infirmities. These canonical disabilities are either grounded upon the express words of the Divine laws, or are consequences plainly deducible from thence; it therefore being sinful in the persons who labour under them to attempt to contract matrimony together, they are properly the objects of the Ecclesiastical justice’s coercion; in order to separate the offenders and inflict penance for the offence, *pro salute animarum*. But such marriages not being void *ab initio*, but voidable only by sentence of separation, they are esteemed valid for all civil purposes, unless such separation is actually made during the life of the parties. For after the death of either of them, the courts of common law will not suffer the spiritual court to declare such marriages to have been void; because that declaration cannot now tend to the reformation of the parties. 1 Inst. 33, 2d Inst. 614. Therefore, when a man had married his first wife’s sister, and after her death the Bishop’s Court was proceeding to annul the marriage, and bastardize the issue, the Court of King’s Bench granted a prohibition *quoad hoc*, but permitted them to proceed to punish the husband for incest. Salk. 548.

These canonical disabilities being entirely within the province of the ecclesiastical courts, our books are perfectly silent concerning them. But there are a few statutes which serve as directories to those courts, of which it will be proper

to take notice. By Stat. 32 Hen. VIII, cap. 38, it is declared that all persons may lawfully marry but such as are prohibited by God's law, and that all marriages contracted by lawful persons in the face of the Church, and consummated with bodily knowledge and fruit of children, shall be indissoluble. And (because in the times of popery a great variety of degrees of kindred were made impediments to marriage, which impediments however might be bought off for money), it is declared by the same statute, that nothing, God's law except, shall impeach any marriage but within the Levitical degrees, the farthest of which is that between uncle and niece. *Gib. Rep.* 158.

The prohibited degrees are all which are under the fourth degree of the Civil law, except in the ascending and descending line; and, by the course of nature, it is scarcely a possible case that any should marry his issue in the fourth degree. But between collaterals it is universally true, that all who are in the fourth or any higher degree are permitted to marry; as, first cousins are in the fourth degree, and therefore may marry; a nephew and great aunt, or niece and great uncle, are also in the fourth degree, and may intermarry. *Gibs. Cod.* 413.

The same degrees by affinity are prohibited. Affinity always arises by the marriage of one of the parties related; as, a husband is related by affinity to all the *consanguinei* of his wife; and, *vice versa*, the wife to the husband's *consanguinei*: for the husband and wife being considered one flesh, those who are related to one by blood, are related to the other by affinity. *Gibs. Cod.* 412. Therefore a man after his wife's death cannot marry her sister: for though I be not directly forbid to marry my wife's sister, yet when God commands me I shall not marry my brother's wife, by parity of reason, he forbids me to marry my wife's sister; for there is the like analogy and proportion between one man and two sisters, and one woman and two brothers; nor can he marry his aunt, or niece. But the *consanguinei* of the husband are not all related to the *consanguinei* of the wife. Hence, two brothers may marry two sisters; or father and son, a mother and daughter. If a brother and sister marry two persons not related, and the brother and sister die, the widow and

The prohibited degrees are those under the 4th degree of the civil law, except in the ascending and descending line.

widower may intermarry; for though I am related to my wife's by affinity, I am not so to my wife's brother's wife, whom, if circumstances would admit, it would not be unlawful for me to marry, 1 *Comm.* 435; 1 *Inst.* 235.

The son of a father by another wife, and daughter of a mother by another husband, cousins german, &c. may marry with each other: a man may not marry his brother's wife, or wife's sister, an uncle his niece, an aunt her nephew, &c.: but if a man take his sister to wife, they are *baron* and *feme*, and the issue are not bastards, till a divorce. *Levit. c. 18, 20; 2 Inst. 683; 1 Rol. Abr. 340, 357; 5 Mod. 448.*

A person may not marry his sister's daughter; and a sister's bastard daughter is said to be within the Levitical law of affinity, it being morally as unlawful to marry a bastard, as one born in wedlock, and it is in nature; and if a bastard doth not fall under the prohibition '*ad proximum sanguinis non accedas*', a mother may marry her bastard son. 5 *Mod.* 168; 2 *Nels. Abr.* 1161.

Other prohibitions, as  
the father from mar-  
rying his daughter,  
&c.

There are persons within the reason of the prohibition of marriage, though not mentioned, and must be prohibited; as the father from marrying his daughter, the grandson from marrying the grandmother, &c. *Vaugh. 321.*

Legal disabilities by  
the municipal laws. The other sort of disabilities are those which are created, or at least enforced by the municipal laws.

Prior marriages.

The first of these legal disabilities is a prior marriage, or having another husband or wife living; in which case, besides the penalties consequent upon it as a felony, the second marriage is to all intents and purposes void. *Br. Ab. title Bastard, pl. 8.*

Want of age.

The next legal disability is want of age. If a boy under 14, or a girl under 12 years of age marries, this marriage is only inchoate and imperfect, and when either of them comes to that age, which is for this purpose termed their age of consent, they may disagree, and declare their marriage void, without any divorce or sentence in the spiritual Court. This is founded on the civil law, but the common law pays a greater regard to the constitution than the age of the parties, for if they are *habiles ad matrimonium*, it is a good marriage, whatever their age may be. And in law, it is so far a marriage, that if at the age of consent they agree to continue together, they

need not be married again. *Co. Lit.* 79. If the husband be of years of discretion, and the wife under twelve, when she comes to years of discretion, he may disagree as well as she may ; for in contracts the obligation must be mutual, both must be bound or neither, and so it is, *vice versa*, when the wife is of years of discretion, and the husband under. *Co. Lit.* 79.

Another incapacity arises from want of consent of parents and guardians. By the common law, if the parties themselves were of the age of consent, there wanted no other concurrence to make the marriage valid ; and this was agreeable to the Canon law, but by several Ecclesiastical statutes, penalties are laid on every Clergyman who marries a couple, either without publication of banns, which may give notice to parents or guardians ; or without a licence ; to obtain which, the consent of parents or guardians, must be sworn to.

A fourth legal incapacity of contracting marriage is want of reason : without a competent share of which, as no other, so neither can the matrimonial contract be valid. 1 *Rol. Abr.* 257, and *Stat.* 51, *Geo. III,* Cap. 37, for preventing the marriage of lunatics, under the title *Idiots and Lunatics.*

It is held to be also essential to marriage, that it be performed by a person in orders. *Salk.* 19 ; *Burr. Sett. Ca.* 232 ; 1 *Wils.* 74, though the intervention of a Priest to solemnize this contract is merely "*juris positivi*," and not "*juris naturalis aut divini*," it being said that Pope Innocent III, was the first who ordained the celebration of marriage in the Church, before which it was totally a Civil contract. *Moor.*

Must be performed  
by a Priest in orders.

## SECTION 7.

### OF THE DUTIES OF THE MINISTERS AND CHAPLAINS IN THE INDIAN DIOCESES IN REFERENCE TO THE MINISTRATION AND LAW OF BURIAL.

No Minister shall refuse or delay to bury any corpse that is brought to the Church or Church-yard, (convenient warning being given him thereof before,) in such manner and form as is prescribed in the Book of Common Prayer, and

Burial, minister not to refuse.

if he shall refuse so to do, (except the party deceased be denounced excommunicated, *majore excommunicatione*, for some grievous and notorious crime, and no man able to testify of his repentance,) he shall be suspended by the Bishop of the Diocese from his Ministry for the space of three months. *Canon 68.*

The office, to whom  
to be denied.

By the Rubric, confirmed by *Stat. 13 and 14 Car. 1, 4, § 11*, Cap. 2, the office for burial shall not be used for any, unbaptized.\*

Nor for any who have procured death unto themselves, but who have done it voluntarily and consequently have died in commission of mortal sin, and not idiots, lunatics, or persons otherwise of insane mind. *Burn. vol. 1, p. 265.*

\* In *Kemp v. Wickes*, clerk, Arches, December 11, 1809, cor. Sir John Nicholl, the baptism of a child by a dissenting Minister was held a sufficient baptism to entitle the child to Christian burial by a Minister of the Church of England. *Burn. vol. 1, p. 264.* See also the more recent cases mentioned, page 126 of this volume.

The following report of a more recent case in point, is extracted from the Ecclesiastical Gazette of February 1845:—

*Arches' Court. Michaelmas Term, 1844. The office of the Judge promoted by Titchmarsh against Chapman.* Sir H. Jenner Fust gave sentence in this case, which was a proceeding under the 68th canon against the Rev. William Herbert Chapman, Vicar of Bassingbourne, Cambridge, for refusing to read the Burial service over the corpse of an infant, the child of a parishioner. The defensive allegation pleaded that the baptism of the infant, which had been performed by a minister of the class of Dissenters called Independents (to which the parents belonged), was heretical, and consequently the child was unbaptized or excommunicated, within the meaning of the rubric of the Book of Common Prayer prefixed to the Order for the Burial of the Dead. This allegation was rejected by the Court, which held that the child had been "sufficiently" baptized, notwithstanding the person performing the rite might be a heretic. The case consequently came now to be decided upon the evidence adduced, to show that the canon had been violated. The canon declares that no minister shall refuse or delay to bury any corpse that is brought to the church or churchyard, "convenient warning being given him thereof before," unless the party deceased was denounced excommunicated *majore excommunicatione*, on pain of suspension for three months. The learned Judge was of opinion, that it had been proved that Mr. Chapman did refuse to bury the child, and that the child was not unbaptized within the meaning of the rubric; the only question was, whether he had had sufficient notice, which was essential to the proof of a canonical offence. There was no evidence, however, that Mr. Chapman had had notice until the corpse was brought into the porch of the church. Each of the witnesses, J. Rumbold, the father of the child, Mr. Morsse, the Independent minister, who had directed the proceedings, and Hopkins, the only other witness, had expressly denied having given him notice before that time, and the learned Judge was of opinion that this was not the "convenient warning" to be given "before," within the intent of the canon, which meant "before the corpse was brought to the church-yard." It might be extremely inconvenient to the minister, who might be absent from home or engaged in other clerical duties, to be called upon to perform the services *instanter*; and it was a part of his office to meet the corpse. Preparations were moreover necessary for decent interment, and the warning contemplated by the canon must be one convenient to all parties. The articles expressly pleaded that "convenient warning" had been given; the promoter, upon whom the *onus* lay, had not, therefore, been taken by surprise, and, as this was a criminal proceeding, the Court was bound to require strict proof. Unless proper notice had been given no canonical offence had been committed; no such notice had been proved, and he (the learned judge) therefore pronounced that the promoter had failed in his proof, and dismissed Mr. Chapman with costs.

*Court of Queen's Bench, Tuesday, Jan. 28, the Queen v. Chapman.*

Mr. C. EVANS applied to the Court for a peremptory *mandamus* to compel the Rev. William Herbert Chapman, Vicar of Bassingbourne, to bury the body of a child which has lain unburied since the 17th of February, 1840. It appeared,

It has been recently decided that all persons baptized are entitled to Christain burial if the essential parts of the sacrament of baptism are performed, that is, the washing or affusion with water and invocation of the Father, and the Son, and the Holy Ghost.\*

It is required by the Rubric that the Priests and Clerks meeting the corpse at the entrance of the Church-yard, and going before it, either into the Church or towards the grave, say as is there appointed.

Minister to use the form as appointed.

By which it seemeth to be discretionary in the Minister, whether the corpse shall be carried into the Church or not, and there may be good reason for this, especially in cases of infection.

On the death of the party, there shall be rung no more than one short peal, and one other before the burial, and one other after the burial. *Can. 67.*

from the statement of the learned counsel, that upon the day which we have mentioned, as well as upon the 26th of May, 1841, the Rev. gentleman in question was requested to "bury" the body of the child, but that upon both occasions he refused to do so, alleging, as the reason of the refusal, that the child, not having been baptized by a Clergyman of the establishment, but only by a dissenting minister, was not entitled to receive interment in the churchyard.

Lord DENMAN suggested that the refusal was rather a matter for Ecclesiastical cognizance.

Mr. EVANS observed, that there were several cases in which this court had a concurrent jurisdiction with the Ecclesiastical Courts, and mentioned an instance, reported in Palmer, in which a *mandamus* was granted commanding the Bishop of Exeter to furnish chrysm to the applicants.

Mr. Justice COLERIDGE observed, that the application here was for a *mandamus* to bury, which it might not be the Clergyman's duty to do. A *mandamus* to command him to read the burial service would seem to be the remedy appropriate to the case.

Mr. EVANS said, that in one case the Judge of the Ecclesiastical Court observed that he should not listen to any application of the word "bury," which did not include the reading of the burial service, and would not suppose that there could be any "burial" without it. Upon being asked why the applicant had not brought the case before the Court at an earlier period, the learned counsel observed, that he had waited, in the first instance, until he could see the event of a suit in the Ecclesiastical Court which involved the same question; and that as soon as that suit was determined against the Clergyman in that case, a prosecution of the same nature was commenced against Mr. Chapman in the Court of Arches; but that Court was of opinion that the notice given to him to bury the child was not sufficient, and the Judge thought it his duty, in a penal proceeding, not to punish him, except upon clear proof that every thing proper had been done in order to enable the Clergyman to have time for the performance of the duty.

Lord DENMAN said, that the peremptory *mandamus* would not at all be granted in the first instance, and intimated that the Court might grant a rule to show cause. A case which had been lying over for five years could not have been considered very pressing by the parties.

Mr. EVANS observed, that the body was lying in a double coffin, in a room occupied by six persons.

Lord DENMAN: The learned Counsel stated that the Clergyman had repeatedly declared that he never would bury the child, but the Court thought that this declaration, without an express and recent demand and refusal, was insufficient to entitle the applicant to the rule, which was accordingly refused.

Proper notice having been given, the corpse has since been interred.

\* See the cases previously mentioned, *Pages*, 126 and 140.

Not to be denied on  
account of fees.

*Langton.* We do firmly enjoin that burial shall not be denied to any one upon the account of any sum of money ; because if any thing hath been accustomed to be given by the pious devotion of the faithful, we will that justice be done thereupon to the Churches by the Ordinary of the place afterwards.

[upon the account of any sum of money.]

For burial ought not to be sold, but albeit the Clergy may not demand any thing for burial, yet the laity may be compelled to observe pious and laudable customs.

[hath been accustomed to be given.]

That is of old, and for so long time as will create a prescription. *Burn.* vol. 1, p. 268.

Lord Stowell's judgment as to fees for burial.

As to the adjustment of the *quantum* of fees for burial, the following extract from the judgement of Lord Stowell, in the case of *Gilbert v. Buzzard and Boyer*, 2 Hagg. Rep. 333, may be given, as useful to be known : “ I am aware, “ as I have already intimated, that very ancient canons “ forbid the taking of money upon interment, upon the notion “ that consecrated grounds are, amongst us, the *res sacrae*, “ and that money payments for them were therefore acts of “ simoniacal complexion : but this has not been the way of “ considering that matter since the Reformation, for the “ practice goes up at least nearly as far ; it appears, founded “ upon reasonable consideration, and is subjected to proper “ controul of an authority of inspection.” And again ; “ They “ are all submitted to the examination of the Ordinary, who “ exercises his judgment, and expresses the result by a con- “ firmation of their propriety in terms of very guarded “ caution. It is perhaps not easy to say where the autho- “ rity could be more properly lodged or more conveniently “ exercised.”

These particulars, as to the law of burial in the Dioceses in England, being given, the following may be briefly stated, as equally applicable to India.

Funerals take place in general in India either at sunset or sunrise, the hour being appointed by the officiating Clergyman of the station. If the latter receives information of a corpse to be interred before 3 o'clock of the afternoon

of the day on which the funeral is required, the burial is to take place that evening ; but if the intimation is received after that hour, the funeral usually takes place at sunrise in the morning following, at the hour appointed.

If the Officiating Minister is sick, or from unavoidable circumstances prevented from attending, and reading the service, any other Clergyman may officiate for him ; or if no Clergyman is to be had, the Officiating Minister, if at the station, may authorize any respectable layman of the Church to read the service in his absence ; but in every such instance he is to explain in the official book of the Church, why he did not himself attend.\*

With regard to the Fees which have been usually, though erroneously considered to be paid for the performance of the service, they vary in the three Dioceses, as they do every where else.

All such, and other fees, and any other payments are determined by the ordinary ; and are considered to be more of a voluntary than a positive or legal nature, and are left to the discretion of individuals.

On the subject of fees, the opinion of Bishop Middleton, and that of the Government, were thus expressed ; “ Mis-  
“ apprehension appears to have arisen, in one instance at-  
“ the least, upon the subject of supposed fees or dues claim-  
“ able by the Clergy ; and it is obvious that any conduct of  
“ theirs, at all liable to be construed into the appearance of  
“ exaction, would abate that feeling of respect for them  
“ which is so essential to their usefulness. A question closely  
“ connected with this subject has been lately submitted to  
“ the Supreme Government ; the correspondence has been  
“ officially communicated to me, and I feel that I ought not  
“ withhold from you the result. It is that His Excellency in  
“ Council deems it proper to declare, that the Government  
“ does not admit the right of any of the Honorable Com-  
“ pany’s Chaplains on this establishment, stationed in the  
“ interior, to demand any fee whatever from persons in His  
“ Majesty’s or the Honorable Company’s Service belonging  
“ to the station to which they are attached, on account of

\* See *Printed Suggestions of the present Metropolitan.*

“the several services connected with their sacred office. For “the performance of such functions, His Lordship in Council “conceives the Clergy in the Honorable Company’s Service “to be distinctly remunerated by the fixed salaries annexed “to their situations.”—*Circular Letter, July 24, 1821.*\*

For the form of entry of a burial in the register, see Section 9 of this Chapter.

## SECTION 8.

### OF THE REGISTERS OF BAPTISMS, MARRIAGES, AND BURIALS; AND THE RETURNS MADE BY THE CLERGY OF THE SAME.

Registers and returns  
in the Indian Dio-  
ceses. Having endeavoured to detail the several duties of the Chaplains and Clergy in the East Indies, in reference to the ministration of Baptism, the solemnization of Marriage, and Burial, we proceed to the consideration of their duties as to keeping the necessary registers of those ministrations.

By Canon 70, it is laid down, as regards the Minister, that in every Parish Church and Chapel shall be provided, one book,

\* In giving this extract, we would observe, that though it very properly forbids, as it seems to us, the exaction of Fees on the part of the Chaplains, from those in the Civil or Military Services, such an opinion could not mean to prohibit the acceptance of a Fee voluntarily offered, for the performance of any duty rendered under peculiar circumstances; or, so as to defray any expences incurred on the part of the Chaplain.

The case which had led to the expression of the sentiments above quoted, though perhaps not so intended, had apparently been one of exaction. At the period alluded to, the Cathedral Chaplains had created for themselves a kind of monopoly, by confining the performance of all the ordinary clerical duties called for at the Presidency, to the Cathedral, that being the only Church, the Chaplains of which, were alone permitted to perform the rites in question. The two Senior Presidency Chaplains had laid it down as a rule, that if any other Chaplain or Clergyman was desired to perform a marriage at the Cathedral, than themselves, such a privilege should only be allowed on payment of a Fee to the Chaplains of the Cathedral, of twenty gold mohurs. This sum had been actually demanded by the Chaplains from an Officer in the Service, who was closely connected with one of the Members of Council, and who had been married at the Cathedral by the Chaplain of the Old Church. This was brought to the notice of Government. About the same period another instance had arisen in which a Fee of three hundred Rupees was sent by a Civilian to one of the same two Presidency Chaplains for performing a baptism at his private residence a short distance only from the Cathedral. This sum was returned as inadequate, accompanied with a request, that four hundred be forwarded, being the customary Fee. These extreme cases came to the knowledge of the Bishop, and led to the circular letter in question. Of course, the principle involved, applies generally to all classes, and nothing can, of right, be claimable, though there is nothing to prohibit the voluntary offering, or the acceptance when offered, of any personal and reasonable gratuity.

wherein shall be written the day and year of every christening, wedding, and burial, which have been in the Parish since the time that the law was first made in that behalf.

And that for the safe keeping of the said book, a coffer shall be provided with locks and keys, as therein mentioned ; which book shall not be at any time taken out of such coffer, but as therein set forth. And the Minister as is therein also directed, shall write and record in the said book, the names of all persons christened, together with the names and surnames of their parents ; and also the names of all persons married and buried in that Parish, in the week before ; and the day and year of every such christening, marriage, and burial ; and shall subscribe his name thereto. A true copy of which christenings, marriages, and burials, shall also, as therein mentioned, be transmitted unto the Bishop of the Diocese, or his Chancellor, to the end that the same may faithfully be preserved in the registry of the said Bishop.

And by 6th and 7th Will. III. *Cap. 6* § 24, all persons By the Statutes. in Holy Orders, shall within their respective parishes and places take an exact account, and keep a register in writing of every person married, christened, or born therein, or buried in the common burying-place, where parishioners are buried ; to view which book and registers, all parties concerned shall have free access, at all seasonable times without fee ; and in default, subjected to penalties therein declared. And by 9th and 10th Will. III, *Cap. 35*, § 4, the words “persons in Holy Orders,” shall comprehend Bishops.

For these and other acts regulating in England the mode of keeping Parish registers, the reader is referred to *Burn's Ecc. Law, vol. 3, page 291.*

In the Dioceses in the East Indies, Register books are kept at all the regular stations, and the local Governments provide the necessary books.

These registers, as elsewhere, should contain alphabetical indices for reference, so that any Ministration may at once be referred to in the book. It would be, under the existing absence of any legislative enactment concerning these public registers, and which is much felt, a desirable rule also, that the register books, when full and complete, should be forwarded

Register Books in India found by the local authorities

to the Ecclesiastical Registry Office for public record, instead of being retained at the station as is now the case, where, for any purpose of public reference, they are almost next to useless.

The forms in which these register books were originally kept, were in very few cases uniform, and were the occasion, of much complaint, from the irregularities, and the frequent omissions made in them, by the Clergy.

The author was in consequence induced in 1827, to draw up and submit a new set of forms for the registers, which being approved of by Bishop James, received the sanction of the Supreme Government, and were directed by the latter to be adopted throughout the three presidencies.\*

These continued to be followed until the year 1841, when the Court of Directors transmitted from England a new set of

\* The following were the Proceedings of Government with respect to the forms thus submitted. They are added, as shewing the importance with which the Registers in question were viewed, and the great necessity of observing uniformity in following them.

*"Ecclesiastical Department, the 28th February, 1828.*

" Read a letter from the Registrar of the Archdeaconry of Calcutta, dated 21st December, 1827, together with the forms which accompanied it.

" Extract from the proceedings of Government in the Military Department, dated 28th December, 1827. Read again the undermentioned Documents.

" Resolution.—The Governor General in Council on mature consideration of the foregoing papers, deems it necessary to record his opinion of the great importance in a public point of view of having the several Registers of Baptisms, Burials, and Marriages, to be preserved at all stations at which Chaplains may stand appointed, kept in an uniform manner; having the certificates of such ceremonies when performed by laymen prepared according to the same forms, so that the general Registers compiled from them in the office of the Registrar of the Archdeaconry of Calcutta, may be accurately and uniformly prepared, and transmitted at stated periods, to the Honorable the Court of Directors.

" The Governor General in Council considers the forms which have been submitted by the Registrar, and which it is understood have since the receipt of his letter been inspected and approved of by the Lord Bishop of Calcutta, to be very well adapted to preserve in an uniform and correct manner all desirable information, which such Registers should contain; and his Lordship in Council is pleased to resolve, that they shall forthwith be adopted by all the Chaplains on this Establishment, as well as by the several lay officers alluded to, in the Resolution passed on the 6th December last, whenever they may have occasion to report the performance by them of the ceremonials of Baptism, Burial, and Marriage, as directed in those orders.

" With a view to have those forms introduced at the several stations to which Chaplains may stand appointed, his Lordship in Council is pleased to direct, that lithographed copies of them shall be transmitted to the Lord Bishop, with a request on the part of Government, that his Lordship will forward copies of the forms to each Chaplain with a letter, communicating the desire of Government, that the Registers shall be kept according to those forms, and that accurate transcripts of each shall be forwarded quarterly to the Registrar of the Archdeaconry of Calcutta.

" The Governor General in Council further directs, that copies of the forms, with an extract from the present proceedings, shall be sent to the Military Depart-

forms to be observed, differing from those last introduced, and being apparently more in accordance with the Military forms of Registers, kept by the Chaplains generally in the Queen's army. These last forms, thus transmitted, are now in use throughout the three Dioceses. The Court of Directors observed in their letter to the Supreme Government, that the increasing number of ecclesiastical and lay ministrations, rendered it most desirable, that the latter should be recorded throughout India, in the same form, and that the certified copies forwarded to the East India House, should be on paper, of the same size, and of durable quality.

The Court of Directors added, that the opportunity should be taken of impressing on the Company's Chaplains, the importance of their registrations being made with the greatest care and attention. Many cases having been brought to the notice of the Court, of extreme remissness, and of very culpable omission in making the necessary entries.

...ent, for the certificates directed to be furnished in the 2nd paragraph of the General Orders by the Governor General in Council, under date the 28th December last, being invariably drawn out, according to the forms now prescribed, and that such certificates shall in future be transmitted to the Registrar of the Archdeaconry of Calcutta, instead of to the Secretary to Government in the General Department: it being at the same time noticed, that the present Resolution is not intended to affect the orders contained in the 1st paragraph of the General Order above referred to.

"Copies of the forms will also be sent to the Political Department, for the purpose of being forwarded for observance by the Resident and other Officers under that Department, who will be requested in future to transmit the certificates which they have already been directed to forward to the Secretary of Government, in the General Department, to the Registrar of the Archdeaconry of Calcutta.

"Copies of the forms of Burials and Baptisms will likewise be transmitted from the Judicial Department, for observance by the Magistrates, who will similarly be directed to make their returns to the above-mentioned Officer.

"The Governor General in Council is further pleased to direct, that the Registers of Burials, Baptisms, and Marriages, which the Registrar has been directed to prepare quarterly, and to submit to Government, with the view to their being forwarded to the Honorable Court of Directors, shall comprise the entries of all the above ceremonies, whether the rites thereof may have been performed by the Clergy or by Laymen, and with a view to their being registered, to prepare the above documents from the commencement of the present year. Copies of all entries in the returns received in the office of the Secretary to the General Department, which notify the performance by Laymen of those ceremonies, since the first January last, are to be forwarded to the Registrar of the Archdeaconry.

Ordered, that copies of the foregoing Resolution be transmitted to the Military, Judicial, and Political Departments, for the purpose therein stated."

(True copies,)

E. MOLONY,  
*Acting Secretary to Government.*

Having stated thus much with regard to these Ecclesiastical and Lay Registers, the following are given, as the forms above directed by the Court of Directors to be now followed, and which have been in use since 1842.\*

### FORM OF REGISTER OF BAPTISMS.

*Baptisms solemnized at ——*

When baptized	Said to be born	Child's Christian Name	Sex	Parents' names Christian — Surname.	Abode	Quality, Trade or Profession	By whom the cere- mony was performed
184 —, March,	184 —, March,	John,	Son of	John, Baker, and Mary, his wife,	Cawnpore	Carpenter	A. B. Chaplain.
184 —, March,	184 —, March,	Mary,	Daughter of	Thomas, Andrew, and Helena, his wife,	Cawnpore,	Brick- layer	A. B. Chaplain.

### FORM OF REGISTER OF MARRIAGES.

*Marriages solemnized at ——*

When Married	Names of Par- ties		Age	Condi- tion	Rank or Protes- tion	Residence at the time of Marri- age	Father's Name, and Sur- name	By Banns or Licence	Names of wit- nesses present	By whom married.
	Chris- tian name	Sur- name								
184 —, March,	Henry Porter	27	Bache- lor	Writer	Cawnpore	Cawnpore	John Porter	Banns	A. B. C. D. E. F.	J. H. Chaplain.
184 —, March,	Maria Turner	20	Spinster			Cawnpore				

### FORM OF REGISTER OF BURIALS.

*Burials at ——*

When died	Christian	Surname	Age	Quality, Trade, or Profession.	When Buried.	By whom.	Buried.
184 —, March,	John,	Starkie,	55	Writer,	184 —, March,	J. A.	Chaplain.
184 —, March,	Mary,	Bates,	18	—	—	J. A.	Chaplain.

\* See the Calcutta Government Gazette of the 14th July, 1841.

In the present circumstances of these Dioceses, it frequently happens that the Clergy, whilst in progress from one station to another, are called upon to minister the different Offices in question, and are at a loss in what register book to record the performance of the same. To obviate any inconveniences arising from the omission, and viewing at the same time the importance of the registry thereof, it might be useful if every Minister kept a register book expressly to record such occasional ministrations, and to transmit duplicates or copies of the entries therein made, to the Minister of the station next adjoining, for the purpose of being publicly recorded in the regular register; or to transmit the same at the quarterly periods, as extra returns, to the Registrar. All register books so kept might, when full and properly authenticated, be deposited in the registry of the Archdeaconry for record. Upon the performance of such occasional ministrations, it might also be useful for the parties themselves to secure, and for the Clergy to grant, immediate certificates of the same.

In reference to the general importance which should be attached by the Clergy in India to this portion of their ordinary duties, the following extracts from Phillips' Law of Evidence, are now submitted to their notice:—

“ Registers are evidence of births, marriages, and burials.  
“ Registers are directed to be kept as public books, and are  
“ accompanied with all the means of authenticity. ‘They are  
“ in the nature of records,’ said Lord Mansfield, ‘and need  
“ not be produced or proved by subscribing witnesses.’ To  
“ prove a marriage, for instance, an examined copy of an  
“ entry is sufficient; this is proof of a marriage, at a certain  
“ time, between two parties, describing themselves by the  
“ names and places of abode there mentioned.”

And the Marriage Act requires, in England, that the registers shall be signed by the Minister with his proper addition. And again, in the above work, “By the Canons of 1603, “copies of parish registers in every diocese ought to be “regularly transmitted, once in every year, to the Diocesan “or his Chancellor; a regulation extremely important, for “the purpose of guarding the evidence of title and pedigree, “but which has been so generally neglected, as to make “it necessary for the legislature to interpose, and pass an

Additional suggestions to the Clergy in these Dioceses on the foregoing subject.

“ Act for their better preservation. It is by this statute enacted (Stat. 52, Geo. III. Cap. 146, § 7,) that copies of the register books, verified by the officiating Minister of the parish, shall be transmitted annually, as therein mentioned, to the Registrar of the diocese within which the Church is situated.”\*

The following, on the same subject, is taken from Bishop Middleton’s Address on the opening of his Consistory Court for the Archdeaconry of Calcutta, on the 15th October 1819:—

*Extract from Bishop Middleton’s Address.*

“ There has been ground of serious complaint in some parts of this diocese, upon the subject of the want of due attention in the keeping of the registers. Persons who affirm their ability to prove the baptism of their children at a specified time, and in the presence of specified witnesses, have not always been able to find any trace of such baptism in the registers of the station; and in some instances, although there was an intention of making the entry, yet from its not having been done at the time, names have been mistaken, and no entry has been found, which could at all avail for any purpose contemplated by the law in making this a part of the duties of the Clergy. More than once I have been applied to, to suggest a remedy, which might avert the mischiefs likely to arise from such neglect. Such remedies are not easily supplied: it were much easier to avoid the occasions which produce the evil. But, independently of this negligence, there has been in some instances a misconception of what is requisite to give to the register the validity of an original document: I mean the actual signature of the Clergyman, by whom the ministeriation was performed. It seems to have been supposed, that a memorandum might be copied into the station

\* To prove the Marriage of Lord Gardiner at Madras, a book brought from the Secretary’s Office in the East India House, and containing a list of Marriages and Burials at Madras, purporting to be authenticated by the signature of the officiating Clergyman was produced. It appeared that this book consisted of several sheets copied from the original Register in India, and transmitted from time to time to the East India House. Upon its being shewn that the list containing the entry of Lord Gardiner’s Marriage was in fact transmitted from India, (which was principally proved by its accompanying dispatch from the Secretary of Government,) and that the Clergyman whose name was affixed thereto did at the time when the alleged Marriage was solemnized officiate at Madras, the Marriage was considered as proved. *Phillips’ Law of Evidence*, p. 642 and 643.

“register by some other than the officiating Minister, and  
 “signed by the transcriber. Upon all such points, and  
 “indeed upon all others connected with his ordinary duties,  
 “it becomes every Clergyman to inform himself, if he does  
 “not distinctly recollect the practice in England. The  
 “canon and the statute are both express upon this head,  
 “and the Court, in consideration of the heavy injuries,  
 “which may be expected to arise from such neglect, will  
 “visit the offence with such censures as the laws have  
 “authorized. The returns must also be punctually made to  
 “the Registrar for the purpose of being recorded in the  
 “registry of the archdeaconry, and transmitted through the  
 “Government to England.”

Nor may it be thought improper also to add, that besides the military and civil institutions for relief in India, sanctioned and aided by the government, there are several benevolent public societies founded entirely for the support of widows and children in that country; the regulations or usages of many of which render it necessary for the parties seeking the benefit of the same, satisfactorily to prove, first, their marriage; seconda, the death of the husband; and third, the birth or baptism of each child, but that, from the relaxed mode in which those ministrations have been recorded, or returns transmitted, much anxiety and distress have been often occasioned.

It is considered likewise that it would be of benefit, were an adequate provision made for such an establishment, if the baptisms, marriages, and burials of the Native Members of the Church, by the regular Missionaries now episcopally licensed to officiate, were publicly registered in the Bishop's Court, the same as of those of others, performed by the Chaplains. Besides the Ecclesiastical objects of such a registry, the same would prove to such native Members themselves, in a civil view, an equally valuable record for reference in the way of evidence. Without such a registry, the descendants of such Native Members, if of the same persuasion, may at some future period have extreme difficulty in establishing their temporal claims to property, or otherwise, under the law. The increasing number of such Members at this date, and which yearly augments, seems to render such an establishment desirable,

Additional observations.

and the suggestion may not be thought premature, or uncalled for.

We now proceed to notice the Quarterly official returns of the Registers, in India.

Returns of the Registers from 1816 made half yearly.

From the beginning of the year 1816, under the direction of Bishop Middleton, the Chaplains were ordered by the respective Archdeacons, to make half yearly returns, or authenticated copies of their Registers of baptisms, marriages and burials, to the respective Registrars of the Archdeaconries. These again were directed to be copied and transmitted by the Registrars, for the different Governments, for transmission to the Honorable the Court of Directors.

From 1828 made quarterly.

This practice continued to prevail till the year 1828, when the authorities last mentioned, required the returns to be made to them quarterly instead of half yearly. The Chaplains in consequence have ever since continued to make them in compliance with these orders; namely, from the 1st day of January to the 31st day of March; from the 1st day of April to the 30th day of June; from the 1st day of July to the 30th day of September; and from the 1st day of October to the 31st day of December, in each year.

These quarterly returns (being faithful copies of the Registers) are also directed by the Court of Directors to be written in a large hand and on durable paper, in three separate parts, and to be attested and signed by the Minister, as follows:—

*Form of the Clergyman's attestation for each of the foregoing Returns.*

I hereby certify, that the foregoing (or annexed) returns, are true and faithful copies of all the entries in the register of [marriages, baptisms, or burials,] belonging to and kept at the church or station of — within the Archdeaconry of — and Diocese of — as therein entered and made, between the — day of — and — day of — in the year of our Lord —.

Witness my hand,

A. B. Minister and Chaplain of —.

Thus attested, they are forwarded to the respective Registrars by the Chaplains, as soon after the expiration of the quarter, as possible. It is considered to be the duty of the Chaplain who succeeds to the station to see, moreover, that

the returns for the previous quarter have been duly made and forwarded.

Every Chaplain is also on quitting his station to transmit his returns up to the period he leaves.\*

The respective Registrars, to whom the returns are so forwarded, record them on the date they are received, and make official copies of them for the purpose of being transmitted through the Government, to the Court of Directors.† The official copies, so made by the Registrars, are likewise directed to be attested and authenticated by each Registrar, in the following form:—

— *Quarterly returns of [MARRIAGES, BAPTISMS OR BURIALS, as the case may be] for the Archdeaconry of ——.*

I —— Registrar of the Archdeaconry of —— do hereby certify, that the annexed are correct copies of the original and official quarterly returns of [MARRIAGES, BAPTISMS, or BURIALS] within the Archdeaconry of —— as made and transmitted to me, for the quarter commencing the —— day of —— and ending the —— day of —— in the year of our Lord 18—.

*Registrar of the Archdeaconry of ——.*

It would be further observed regarding the quarterly Returns, that in these Dioceses, in which the Chaplains

\* “ *Ecclesiastical.*—Viewing the importance to the public of the regularity and completeness of the Official Returns of the Clergy, it is with the approbation of Government in future directed by the Archdeacon—

“ That any Chaplain or Minister applying for any permanent leave of absence from his station, or to retire on furlough, shall forward with his application a Declaration, that he has duly made his Official Returns to the Registrar, or is prepared so to, to the date up to which he requests to be permitted so to be absent or to retire.

“ That the same Rule is to apply to those removed from one station to another, and that every Chaplain so removed shall before quitting his station not only forward his Returns up to the date of leaving, but forward a declaration to the authorities that he has done so.

“ That, in case of the death of a Chaplain at his station, especially so if at a remote distance, a copy of the Returns from the date of his last Quarterly Returns to the period of his demise be made out by the Clerk, or other local public authority in whose official possession the original public Registers may happen for the time to be lodged or come, and be immediately forwarded by such local officer to the Registrar, the same being also duly examined and verified under the signature of the Chief Lay Public Authority of the station, as being the best mode at present of supplying such, so as to complete the general Quarterly Returns, transmuted home by the orders of the Court of Directors.

“ By direction of the Venerable Thomas Deatly, Archdeacon of Calcutta and Commissary of the Lord Bishop, dated this 31st day of March 1843.

*Government Gazette, 1st April, 1843.*

W. H. ABBOTT,

*Registrar.*

† The Registrar of the Archdeaconry of Calcutta, in forwarding these Returns, gives, in his letter to the Government the total number of Baptisms, Marriages, and Burials, at each Station, during the Quarter.

and Ministers are so liable, from various causes, to be suddenly removed from, or to leave their stations, the official Returns are unavoidably very frequently incomplete and irregular. The Bishop moreover, it is thought, even should a case occur in which there might be some blame, cannot judicially take cognizance of any irregularities as to them, as not being within the Canon. Viewing then the importance of the whole of these proceedings in India, and the usefulness which might be considered to attach to them, if made evidence in Courts of Law, as in England, it would be submitted that they should be made the subject of legislative enactment, and the Forms, and the Law as to them, be laid down and defined. This would doubtless secure not only to the Government, but to the public generally, that attention which is not only due from, but necessary on the part of those whose duty it is to enter and record such ministrations, as well as to make the official Returns thereof. At present the want of such a legislative enactment is not unfrequently felt.

In concluding this section as to the Registers and returns, the question is submitted, whether also it might not be found generally useful, if an additional book were directed to be kept at all the respective stations, besides the regular Registers, to record public or official correspondence, orders, and the like, concerning either the officiating Clergyman of the station, or relating to the advancement, and improvement of his cure. This is already adopted, it should be observed, in some instances. All proceedings relating to the Church or Chapel, the establishment of schools, charities and any institution for the promotion of Christian knowledge within the circuit of the station, might by that means be permanently recorded: and every newly appointed Chaplain or Minister succeeding to the duties thereof, would then be able to inform himself of the actual state of every part of his district, and of what it was incumbent upon him to superintend and uphold, for its progressive advancement.\*

\* This suggestion has, in most respects, been followed throughout the Diocese of Calcutta; Bishop Wilson requiring in addition, that a Register of Spiritual duties performed on Sundays and other days, should be kept, and a copy thereof transmitted quarterly to the Bishop.

By the uniform observance of a practical system of that kind, throughout Dioceses so recently founded, every Minister and Chaplain would not only exhibit and display a zeal in the performance of his ecclesiastical functions, honourable to himself as a *true* member of that Church, *emphatically* by *law* established, but possess the gratifying feeling of having humbly endeavoured to promote the permanent and spiritual welfare of every part of these Her Majesty's territories; and by attending to laws, which are found equally necessary to benefit and bind society in this country, would be further sensible of having also contributed as far as lay in his power to the advancement of the temporal interests of British India, and answer the designs in *all* respects of the English episcopal establishment in the East Indies.

## SECTION 9.

### REGARDING FURTHER THE CANONICAL AND OTHER DUTIES OF THE MINISTRY IN INDIA.

The feast days, and days of fasting, and other days of solemn observance, are all laid down in the Rubric. And by Canon 72, no Minister shall, without the licence and directions of the Bishop, under his hand and seal, appoint or keep any other either publicly or in private houses, than such as by law are, or by public authority shall be appointed, nor shall be willingly present at any of them.

"The Common Prayer shall be said or sung distinctly and reverently upon such days as are appointed to be kept holy by the book of Common Prayer, and their Eves."—*Canon 14.\**

By Canon 76, it is laid down that, when any person is dangerously sick, the Minister or Curate, having knowledge thereof, shall resort unto the sick person, (if the disease be not known, or probably suspected to be infectious,) to instruct and comfort them in their distress, according to the

\* In India all practicable attention is to be paid to the seasons set apart for fasts and festivals, and other solemnities of the Church; and particularly to the Holy Week, commonly called Passion Week.—*Suggestions of the present Metropolitan.*

order of the communion book : and by the Rubric the same is enjoined, and the Minister may administer the communion to such sick persons, as in the Rubrics is directed.\*

With reference to the duties of attending at the Hospitals, and the sick Soldiers at a Military station, Bishop Middleton remarks in one of his charges to the Clergy, that he “cannot think it sufficient that the Clergyman “should attend occasionally, or merely when he is sent for ; “this would be to suppose that the ignorant, and possibly “the profligate, are the best judges of their spiritual wants. “In an order issued upon this subject while the Chaplains “were under Military authority, I find it directed that the “Military Hospitals shall be visited twice in the week.† It “is impossible not to honor the benevolence which suggest-“ed this regulation, and I should be sorry if a laxer disci-“pline were now to prevail.”

*Charge delivered at Calcutta, 1819.*

## SECTION 10.

### AS TO THE LIABILITIES OF THE CLERGY, THEIR PRIVILEGES AND RESTRAINTS.

Unworthiness.

By Article XXVI, of unworthiness, it is declared that, although in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the ministration of the word and sacraments, yet forasmuch as they do not the same in their own name, but in Christ’s, and do minister by his commission and authority, we may use their ministry, both in hearing the word of God, and in the receiving of the sacraments : neither is the effect of Christ’s ordinance taken away by their wickedness, nor the grace of God’s gifts diminished from such as by faith, and rightly, do receive the sacraments ministered unto them ; which be effectual,

\* In addition to the above, the Chaplains in India are directed to visit the Hospitals at their stations twice in the week at the least, and at one of those times to perform Divine Service.

The Chaplains are also to visit the European Jails whenever desirable to do so.—*Suggestions of the present Metropolitan.*

† Circular Letter by command of His Royal Highness the Commander-in-Chief, dated 8th November, 1811.

because of Christ's institution and promise, although they be ministered by evil men. Nevertheless, it appertaineth to the discipline of the Church, that enquiry be made of evil ministers, and that they be accused by those that have knowledge of their offences ; and finally, being found guilty by just judgment, be deposed.

Concerning the offence of reviling the ordinances of the church, "this," says Judge Blackstone, "carries with it Reviling and obstructing ordinances of the church."  
"the utmost indecency, arrogance, and ingratitude : indecen-  
"cy, by setting up private judgment in virulent and factious  
"opposition to public authority ; arrogance, by treating with  
"contempt and rudeness what has at least a better chance to  
"be right than the singular notions of any particular man ;  
"and ingratitude, by denying that indulgence and undis-  
"turbed liberty of conscience to the members of the national  
"Church, which the retainers to every petty conventicle en-  
"joy. However, it is provided by Statutes 1, Edw. vi., Car.  
"1, and 1 Eliz. cap. 1, that whoever reviles the sacrament  
"of the Lord's Supper shall be punished by fine and impi-  
"sonment, and by the Statute 1 Eliz. c. 2, if any *Minister*  
"shall speak any thing in derogation of the Book of Com-  
"mon Prayer, he shall, if not beneficed, be imprisoned one  
"year for the first offence, and for life for the second ; and if  
"he be beneficed, he shall for the first offence be imprisoned  
"six months, and forfeit a year's value of his benefice ; for  
"the second offence he shall be deprived, and suffer one year's  
"imprisonment ; and for the third, shall in like manner  
"be deprived, and suffer imprisonment for life. And if any  
"person whatsoever shall, in plays, songs, or other open word  
"speak any thing in derogation, depraving, or despising of  
"the said book, or shall forcibly prevent the reading of it,  
"or cause any other service to be used in its stead, he shall  
"forfeit for the first offence, an hundred marks, for the se-  
"cond four hundred, and for the third, shall forfeit all his  
"goods and chattels, and suffer imprisonment for life." And  
again, "These penalties were framed in the infancy of our  
"present establishment, and proved a principal means, under  
"Providence, of preserving the purity, as well as decency, of  
"our national worship, nor can their continuance to this  
"time, (of the milder penalties at least,) be thought too severe

“ and intolerant so far as they are levelled at the offence, not “ of *thinking* differently from the national Church, but of *railing* “ at the Church and *obstructing* its ordinances, for not “ submitting its public judgment to the private opinion of “ others. For though it is clear that no restraint should be “ laid upon rational and dispassionate discussions of the re- “ titude and propriety of the established mode of worship, “ yet contumely and contempt are what no establishment can “ tolerate.” *Bla. Com. vol. 4, p. 50.*

The Clergy may also be punished and corrected for loose, immoral, and profane conduct, for irreligious language, for irregularity in discharge of their duty ; or for preaching and maintaining doctrines contrary to the articles of the creed which they profess.

The canonical offences may be considered to be the following : Wearing of arms ; non-residence, demanding money for sacraments, violating a sanctuary, adultery ; concubinage ; contumacy in wearing an irregular habit ; keeping solemn fasts other than such as are appointed ; and irregularities in keeping the registers, and making returns thereof into the Bishop’s Registry.

For any of these, the Clergy are liable to be suspended or deprived, or to be degraded, or deposed, as the case may be.

By the common law, and the statute, the Clergy may also be punished for many of these offences, on which point we may refer the reader to Burn’s Ecclesiastical Law, vol. III, page 141. For all such conduct they may be called to account by their Ecclesiastical superior, by whom they may, if the charges are proved against them, be punished by admonition, suspension, or deprivation and degradation, as the occasion may require

Of Suspension, and  
Deprivation.

Suspension may be from office and benefice jointly, or from office, or benefice singly, and may be called a temporary degradation, or deprivation, or both. A person deposed is he who is deprived of his office and benefice, although not solemnly. A person degraded is he, who is deprived of both solemnly, the ensigns of his order being taken from him ; a person “ suspended” is he who is deprived of them both for a time, but not for ever. *Gibs. 1047, Burn’s Ecclesiastical Law, vol. III, page 668.* And the penalty upon a Clergyman

officiating after suspension, if he shall persist therein after a reproof from the Bishop, is (by the ancient Canon law) that he shall be excommunicated all manner of ways, and every person who communicates with him shall be excommunicated also.—*Ibid.*

The difference between suspension and deprivation consists in this, that the former may be pronounced by the Chancellor of the Diocese, the latter by the Bishop alone. *Phill. Burn's Ecclesiastical Law, page 668.*

Suspension is inflicted for crimes of an inferior nature, such as in the first case deserve not deprivation, and such as in the second deserve not excommunication; in practice at least it is temporary, terminated either at a certain time, when inflicted for such time, or upon satisfaction given to the Judge, when inflicted until something be performed, which he hath enjoined, and lastly, (if unduly performed,) is attended with further penalties in the Clergy for irregularity if they act in the mean time.—*Ibid.*

By the ancient Canon law, sentence of suspension ought not to be given without a previous admonition, unless the offence is such as, in its own nature, requires an immediate suspension, and if sentence of suspension in ordinary cases be given without such previous admonition, there may be cause of appeal.—*Ibid.*

Degradation is an Ecclesiastical censure, whereby a Clergyman is deprived of his Holy Orders, which formerly he had as of Priest or Deacon. The following seem to be laid down as causes justifying this sentence, namely; treason, sedition, murder, and certain felonies before judgment.—*Burn's Ecclesiastical Law, vol. II, page 140.*

And by the Canon law, degradation may be done two ways, either summarily or by word only, or solemnly, as by divesting the party degraded of those ornaments and rights which were the ensigns of his order or degree. Which solemn degradation was anciently performed in this manner, as is set forth in the sixth book of the decretals. If the offender was a person in inferior orders, then the Bishop of the Diocese alone, if in higher orders as Priest or Deacon, then the Bishop of the Diocese, together with a certain number of other Bishops, sent for the party to come before

them. He was brought in, having on his sacred robes, and having in his hands a book, vessel, or other instrument or ornament appertaining to his order, as if he were about to officiate in his function. Then the Bishop took away from him, one by one, the said instruments and vestments belonging to his office, saying to this effect : “ This and this we take “ from thee, and do deprive thee of the honour of Priest-“ hood,” and finally in taking away the last sacerdotal vest-  
ment, saying thus, “ By the authority of God Almighty, the  
“ Father, the Son, and the Holy Ghost, and of us, we do  
“ take from thee the clerical habit, and do depose, degrade,  
“ despoil, and deprive thee of all order, benefit and privilege  
“ of the Clergy.”

3 and 4 Vict. Cap. 86.  
Church discipline act.

All offences against the laws Ecclesiastical, by a Clerk in Holy Orders, are henceforth in England, to be proceeded against, according to the regulations prescribed by 3 and 4 Vict. Cap. 86, intituled “ An Act for better enforcing Church discipline.”

With respect to this Act it is remarked, that the mode of procedure previously was by articles in the Diocesan or peculiar Court, or by letters of request, to the Court of the Metropolitan.

Any person, it has been held, may prosecute a Clergyman for neglect in performance of his clerical duty.

Nor have the Marriage Acts deprived the Ordinary of the power of correcting any of his Clergy, who may offend against the order of the Church in publishing banns or solemnizing matrimony in any other manner than that prescribed by law ; and also, it would seem, for refusing to solemnize a marriage after the preliminary conditions required by the law have been satisfied.—*Phill. Burn's Ecclesiastical Law, vol. III, page 364.*

Some of the provisions of the Act above alluded to, namely, the 3 and 4 Vict. Cap. 6, are here subjoined, as suggesting, should they be called for in any of these Dioceses, similar proceedings, to be adopted :—

Bishop may issue a commission of inquiry.

The third Section enacts, “ that in every case of any Clerk “ in Holy Orders of the United Church of England and  
“ Ireland, who may be charged with any offence against the  
“ laws Ecclesiastical, or concerning whom there may exist

“ scandal, or evil report, as having offended against the said  
“ laws, it shall be lawful for the Bishop of the Diocese,  
“ within which the offence is alleged or reported to have  
“ been committed, on the application of any party complaining  
“ therof, or if he shall think fit, of his own mere motion,  
“ to issue a commission under his hand and seal to five <sup>Members of such</sup> commission.  
“ persons, of whom one shall be his Vicar General, or an  
“ Archdeacon, or Rural Dean, within the Diocese, for the  
“ purpose of making enquiry as to the grounds of such  
“ charge or report, provided always, that notice of the intention to issue such commission under the hand of the  
“ Bishop, containing an intimation of the nature of the offence, together with the names, addition, and residence of the party on whose application or motion such commission shall be about to issue, shall be sent by the Bishop to the party accused, fourteen days at least before such commission shall issue.”

<sup>What notice must be previously given.</sup>

In Section 4, and the following Sections, it is enacted, “ that <sup>Proceedings of the commissioners.</sup>  
“ it shall be lawful for the said Commissioners, or any three  
“ of them, to examine upon oath, or upon solemn affirmation in cases where an affirmation or declaration is allowed  
“ by law instead of an oath, which oath, or affirmation, or declaration respectively, shall be administered by them to all witnesses who shall be tendered to them for examination, as well by any party alleging the truth of the charge or report, as by the party accused; and to all witnesses whom they may deem it necessary to summon for the purpose of fully prosecuting the inquiry, and ascertaining whether there be sufficient *prima facie* ground for instituting further proceedings; and notice of the time when, and place where, every such meeting of the Commissioners shall be holden shall be given in writing, under the hand of one of the said Commissioners, to the party accused, seven days at least before the meeting; and it shall be lawful for the party accused, or his agent, to attend the proceedings of the commission, and to examine any of the witnesses; and all such preliminary proceedings shall be public, unless upon the special application of the party accused, the Commissioners shall direct that the same or any part thereof shall be private; and when such prelimi-

“nary proceedings, whether public or private, shall have  
 “been closed, one of the said Commissioners shall, after due  
 “consideration of the depositions taken before them, openly  
 “and publicly declare the opinion of the majority of the  
 “Commissioners present at such inquiry, whether there be  
 “or be not sufficient *prima facie* ground for instituting  
 “further proceedings.”

*Report of the commissioners.*

Sect. 5.—“That the said Commissioners or any three of  
 “them shall transmit to the Bishop under their hands and  
 “seals, the depositions of witnesses taken before them, and  
 “also a report of the opinion of the majority of the Commis-  
 “sioners present at such inquiry, whether or not there  
 “be sufficient *prima facie* ground for instituting proceedings  
 “against the party accused; and such report shall be filed  
 “in the registry of the Diocese: and that, if the party  
 “accused shall hold any preferment in any other Diocese or  
 “Dioceses, the Bishop to whom the report shall be made,  
 “shall transmit a copy thereof and of the depositions to the  
 “Bishop or Bishops of such Diocese or Dioceses, and shall  
 “also, upon the application of the party accused, cause to  
 “be delivered to such party a copy of the said report and of  
 “the depositions, on payment of a reasonable sum for the  
 “same, not exceeding two-pence for each folio of ninety  
 “words.”

*Bishop may pronounce Sentence, by consent, without further proceedings.*

Sect. 6.—“That in all cases where proceedings shall have  
 “been commenced under this act against any such Clerk,  
 “it shall be lawful for the Bishop of any Diocese within  
 “which such Clerk may hold any preferment, with the con-  
 “sent of such Clerk and of the party complaining, if any,  
 “first obtained in writing, to pronounce, without any fur-  
 “ther proceedings, such sentence as the said Bishop shall  
 “think fit, not exceeding the sentence which might be pro-  
 “nounced in due course of law; and all such sentences shall  
 “be good and effectual in law as if pronounced after a  
 “hearing, according to the provisions of this Act, and may  
 “be enforced by the like means.”

*Articles and deposi-  
 tions to be filed.*

Sect. 7.—“That if the Commissioners shall report that  
 “there is sufficient *prima facie* ground for instituting pro-  
 “ceedings, and if the Bishop of any Diocese within which  
 “the party accused may hold any preferment, or the party

“ complaining shall thereupon think fit to proceed against  
 “ the party accused, articles shall be drawn up, and, when  
 “ approved and signed by an advocate practising in Doctors’  
 “ Commons, shall, together with a copy of the depositions  
 “ taken by the Commissioners, be filed in the registry of the  
 “ Diocese of such last mentioned Bishop; and any such  
 “ party, or any person on his behalf shall be entitled to  
 “ inspect without fee such copies, and to require and have  
 “ on demand, from the Registrar, (who is hereby required to  
 “ deliver the same,) copies of such depositions, on payment  
 “ of a reasonable sum for the same, not exceeding two-pence  
 “ for each folio of ninety words.”

SECT. 8.—“ That a copy of the articles so filed shall be Service of Copy of the Articles on the party.  
 “ forthwith served upon the party accused, by personally  
 “ delivering the same to him, or by leaving the same at the  
 “ residence house belonging to any preferment holden by  
 “ him, or, if there be no such house, then at his usual or  
 “ last known place of residence; and it shall not be lawful  
 “ to proceed upon any such articles until after the expiration  
 “ of fourteen days after the day on which such copy shall  
 “ have been so served.”

SECT. 9.—“ That it shall be lawful for the said last-men-  
 “ tioned Bishop, by writing under his hand, to require the Bishop may require the party to appear before him.  
 “ party to appear, either in person or by his agent duly ap-  
 “ pointed, as to the said party may seem fit, before him at any  
 “ place within the Diocese, and at any time after the expira-  
 “ tion of the said fourteen days, and to make answer to the  
 “ said articles within such time as to the Bishop shall seem  
 “ reasonable; and if the party shall appear, and by his an-  
 “ swer admit the truth of the articles, the Bishop, or his  
 “ Commissary specially appointed for that purpose, shall  
 “ forthwith proceed to pronounce sentence thereupon accord-  
 “ ing to the Ecclesiastical law.” And may pronounce judgment on admission.

SECT. 10.—“ That every notice and requisition to be given How notice and requisition to be served.  
 “ or made in pursuance of this Act, shall be served on the  
 “ party to whom the same respectively relate in the same  
 “ manner as is hereby directed with respect to the service of  
 “ a copy of the articles on the party accused.”

SECT. 11.—“ That if the party accused shall refuse or Proceedings on a hearing before the Bishop.  
 “ neglect to appear and make answer to the said articles, or

“ shall appear and make any answer to the said articles other  
 “ than an unqualified admission of the truth thereof, the  
 “ Bishop shall proceed to hear the cause, with the assistance  
 “ of three Assessors, to be nominated by the Bishop, one of  
 “ whom shall be an advocate, who shall have practised not  
 “ less than five years in the court of the Archbishop of the  
 “ province, or a sergeant at law, or a barrister of not less  
 “ than seven years standing, and another shall be the Dean  
 “ of his cathedral church, or of one of his cathedral churches,  
 “ or one of his Archdeacons, or his Chancellor ; and upon the  
 “ hearing of such cause, the Bishop shall determine the same,  
 “ and pronounce sentence thereupon according to the Eccle-  
 “ siastical law.”

Sentence of Bishop  
to be effectual in law.

**SECT. 12.**—“ That all sentences which shall be pronounced  
 “ by any Bishop or his Commissary in pursuance of this  
 “ Act shall be good and effectual in law, and such sentences  
 “ may be enforced by the like means as a sentence pronounced  
 “ by an Ecclesiastical court of competent jurisdiction.”

Bishop empowered  
to inhibit party ac-  
cused from performing  
services of the church  
&c.

**SECT. 14.**—“ That in every case in which, from the nature  
 “ of the offence charged, it shall appear to any Bishop within  
 “ whose Diocese the party accused may hold any preferment,  
 “ that great scandal is likely to arise from the party accused  
 “ continuing to perform the services of the church while  
 “ such charge is under investigation, or that his ministration  
 “ will be useless while such charge is pending, it shall be lawful  
 “ for the Bishop to cause a notice to be served on such  
 “ party at the same time, with the service of a copy of the  
 “ articles aforesaid, or at any time pending any proceedings  
 “ before the Bishop or in any Ecclesiastical court, inhibiting  
 “ the said party from performing any services of the church  
 “ within such Diocese, from and after the expiration of four-  
 “ teen days from the service of such notice, and until sen-  
 “ tence shall have been given in the said cause ; provided  
 “ that it shall be lawful for such party, being the incumbent  
 “ of a benefice, within fourteen days after the service of the  
 “ said notice, to nominate to the Bishop any fit person or  
 “ persons to perform all such services of the church during  
 “ the period in which such party shall be so inhibited as afore-  
 “ said ; and if the Bishop shall deem the person or persons so  
 “ nominated fit for the performance of such services, he shall

"grant his licence to him or them accordingly, or, in case a fit person shall not be nominated, the Bishop shall make such provision for the service of the church as to him shall seem necessary; and in all such cases it shall be lawful for the Bishop to assign such stipend, not exceeding the stipend required by law for the Curacy of the church belonging to the said party, nor exceeding a moiety of the net annual income of the benefice, as the said Bishop may think fit, and to provide for the payment of such stipend, if necessary, by sequestration of the living; provided also, that it shall be lawful for the said Bishop at any time to revoke such inhibition and licence respectively."

The privileges and exemptions of the clergy peculiar to them generally, are but few, and we here introduce them to the reader in the following extracts, which are given, as having reference to the subject.

The common law, to the intent that ecclesiastical persons might the better discharge their duty in the celebration of Divine service, and not be entangled in temporal business, hath provided, that they shall not be bound to serve in any temporal office. 1 *Inst.* 96, and in 2 *Inst.* 3, it is laid down, that if any man holding lands or benefices by reason whereof he ought to serve in a temporal office, be made an ecclesiastical person within holy orders, he ought not to be elected to any such office; and if he be, he may have the king's writ for his discharge.

During the attendance of a Clergyman on Divine service, and while administering the sacraments, and, by the common law, *eundo, morando, aut redeundo* from Divine service, he is privileged from arrest upon civil process, and by 9 Geo. IV, cap. 31, § 23, the person by whom he may be arrested at such times shall be liable to such punishment as is therein allowed.

A Clergyman cannot be compelled to serve on a jury. 2 *Inst.* 4. But if a layman is summoned on a jury, and, before the trial, takes orders, he shall, notwithstanding, appear and be sworn. 4 *Leon.* 190.

A Clergyman cannot be chosen to any temporal office, as bailiff, reeve, constable or the like in regard of his own continual attendance on the sacred function, *Finch*, L. 88.

Further privileges peculiar to the clergy in the East Indies.

Besides these distinctions of no real significance, the Clergy in India possess the very important privileges of claiming leave of absence, in cases of sickness, and of furloughs, and also of retiring on pensions after a prescribed period of service ; for further as to which, see the next ensuing section.

Restraints.

Among other restraints, such as those regarding the dress and apparel of the Clergy, which have been already noticed in the present Chapter, section 4, page 111 they are restrained by Stat. 1 and 2, Vict. cap. 106, § 32, from residing, elsewhere, but on their respective benefices under certain penalties, except as therein after excepted.

By Canon 75, they are restrained from resorting at any time, other than for their honest necessities, to any taverns or alehouses ; and from boarding or lodging in any such places.

They are also restrained, by the same Canon, from giving themselves to any base or servile labor or to drinking or riot, and spending their time idly by day or by night ; playing at dice, cards or tables, or any other unlawful games. But the “ canon enjoins that at all times convenient they shall hear “ or read somewhat of the holy scriptures, or shall occupy “ themselves with some other honest study or exercise, al-“ ways doing the things which shall appertain to honesty, “ and endeavouring to profit the church of God, having al-“ ways in mind, that they ought to excel all others in purity “ of life, and should be examples to the people to live well and “ Christianly, under pain of ecclesiastical censures, to be in-“ flicted with severity according to the qualities of their “ offences.”

Nevertheless, Lord Coke says, by the common law of the land, Clergymen may use reasonable recreations, in order to make them fitter for the performance of their duty and office.

*2 Inst. 309.*

The Clergy are also restrained as to farming or carrying on any traffic or trade.

By 1 and 2, Vict. cap. 106, § 28, no spiritual person shall farm for occupation, any lands exceeding eighty acres, without the permission in writing of the Bishop, for a term not exceeding seven years, under pain of forfeiting for every extra acre the sum of forty shillings for each year, in which he shall so occupy such land. And by § 29, such persons are

restrained from engaging in any trade for gain or profit except in certain cases, and from acting in such excepted cases as director or managing partner of any concern, or carrying on any such trade in person.

This Act does not subject to any penalty or forfeiture any spiritual person for keeping a school or giving instruction, or for buying and selling, or doing any other thing relative to the management of any such school or employment, or to selling any thing *bona fide* bought for the use of his family, although a greater price may be obtained for the same, or to disposing of any books to, or by means of any bookseller or publisher; or for being a manager, director, partner or shareholder in any benefit society, or fire or life assurance society; or to the buying or selling again, for gain and profit, of any cattle or corn, or other articles, necessary for the improvement or profit of his own lands, whether held by him or any other to his use; or for selling minerals the produce of mines situated on his own lands, so that no such spiritual person shall buy or sell any cattle or corn, or other thing as aforesaid, in person, in any market, fair or place of public sale.

By parity of reasoning it would be unlawful for any Clergyman in India, to engage in the management of any Zemindary, or to be concerned in the growth and manufacture of indigo, or in the growth and manufacture of sugar, cotton, saltpetre, or other produce; or to be employed in any kind of trade or traffic for gain or profit. It must be equally unlawful also, for any such person, to use and occupy and carry on any coffee, tea, spice or other plantation, if amounting in acres to more than what may be considered the quantity permitted to be farmed in England, under the statute, supposing such to interfere with the spiritual duties of the Clergyman in this country, or to be in any way prejudicial thereto, or to his office.

## SECTION XI.

LEAVE OF ABSENCE, FURLoughs, AND PENSIONS, OF THE  
CHAPLAINS IN THE EAST INDIES.

Leave of absence.

The extreme banefulness of the climate of India generally, frequently obliges Europeans to leave the sphere of their duties, and absence is consequently unavoidable in the Clergy, as well as others. A Station, where there is but one Minister, and where the ministrations of a Clergyman are most urgent, is often thus left for a very considerable period, without the ministration of any spiritual office whatever.

With reference to this subject, yiz : that of the absence of the Clergy from their Stations, Bishop Middleton thus remarked in his second charge to them : “ I would remind you “ then, that the evil, though sometimes unavoidable, of leaving “ a station for months together is one of the heaviest inconveniences and severest checks, to which religion is exposed in this “ diocese. In the absence of the Chaplain, the Lord’s Day “ may indeed be observed as a day of rest and private meditation ; though this, probably, would not long be the case “ where it was not publicly and visibly distinguished ; but “ that must be the utmost : and as to other duties, lay-baptism will intrude under the plea of necessity, and laymen “ must officiate at the interment of the dead ; to the Holy “ Communion none will have access, however urgent their “ desire to receive it ; and the sick and dying will be left “ without spiritual support or advice ; in short, every Christian “ habit lost : and I can hardly conceive by what process “ they can soon be restored. In all cases, therefore, of “ application for leave of absence, *necessity* alone should “ be considered as a justification : in the event of sickness requiring a removal, a medical certificate will of “ course be transmitted to myself, or in my absence to the “ Archdeacon : and in other cases, where the necessity is not “ apparent, or the time required seems needlessly long, it “ should be considered as the discharge of an invidious duty, “ if any difficulty be made in granting the request.”—*Charge to the Clergy, 1819.*”

And again on another occasion, that Prelate speaks thus on the same subject :—

“ The plea which is sometimes used in justification or excuse of such absence, that of being sent for to a distance to solemnize the marriage service, cannot be allowed. It should be clearly understood, that every Clergyman has his appointed and local charge, and that he has no pastoral connexion with persons not residing within its limits.”

*Bishop Middleton's Circular Letter, Registrar's Office, 24th July, 1821.*

The following rules have been more recently promulgated regarding leave of absence :—

“ When a Chaplain in the interior purposes to quit his principal station for any other to which he is equally licensed, or for other purposes, he is to notify the same to the chief civil or military authority.”

“ A Chaplain or Minister appointed to officiate at a particular Church or station shall not, during his absence, take upon himself the duties of a Chaplain or Minister of another church or station without his permission.”

“ In the case of a Chaplain being absent or ill, and the station is entirely left, any Missionary or licensed Clergyman whose services are available, may be requested to perform the duties of the station, as far as they may consist with the Missionary duties of the latter.”

“ Notice of a Chaplain's intention to apply for leave, or otherwise, is desired to be given to the Archdeacon or Bishop, as long before as it is—possible.”\*

*The following are given as the existing Government Rules for leave of Absence.*

Chaplains are directed to make all applications for leave of absence to the Government, through the Bishop ; or, in his absence, through the Archdeacon.

The allowances of a Chaplain, or an Assistant Chaplain, quitting his station without leave, will entirely cease from the date of his quitting until his return, or in the event of his

\* *Suggestions of the present Metropolitan.* So also the same practice in all these Rules, as far as applicable, is to be observed generally by the Clergy, whether officiating as Missionaries, or in any other capacity ; and no Missionary is ever to quit his place or district but with the express consent of the Bishop, or in his absence, of the Archdeacon.

obtaining leave, to the date of such leave being granted him. Chaplains and Assistant Chaplains may, under medical certificate, obtain leave of absence subject to the following deductions, conditions and limitations; but no Chaplain or Assistant Chaplain, can be permitted to draw any allowance when his period of absence shall have exceeded two years.

When an application for leave of absence is made on the ground of ill health, it must be accompanied by a certificate from the medical officer, by whom the applicant has been attended, distinctly stating, from personal observation, the nature of the disease, the symptoms by which it is manifested, the period during which it has existed, as far as the knowledge of the medical officer extends, and the necessity for temporary removal to some other place, either within the territories subject to the Government of the East India Company, or beyond them; to wit, to the Island of St. Helena, the Colony of the Cape of Good Hope, or to any place situate between the 36th degree of north latitude and the 50th degree of south latitude, such place being likewise between the 30th and 180th degrees of longitude East of Greenwich, excepting however any island in the Mediterranean or Levant, and excepting all places within the geographical limits which may form part of Europe, as the case may be; and such certificate must be submitted to the consideration of the Medical Board, and, if satisfactory, shall be countersigned by one of its members.

An application for an extension of leave must, if the applicant be in India, be accompanied by a certificate from the medical officer, by whom the applicant is attended, shewing sufficient reason for the extension solicited; and such certificate, like the former, must be examined and countersigned by a member of the Medical Board.

If the applicant shall have proceeded beyond the territories under the government of the East India Company, he must furnish a certificate to the required effect from a Surgeon or Physician at the place of his temporary residence, by whom he has been attended, such attendance, and the period of it, to be stated, and the certificate to be countersigned by the principal medical authority of the colony or country. When any of the required particulars are neglected, leave will be refused.

Chaplains and Assistant Chaplains absent from their stations under medical certificate, will be entitled to the salaries of their respective appointments, subject to the following deductions; viz. an eighth from the salaries of Chaplains for the first year, and a sixth for the second; none from those of Assistant Chaplains for the first year, and an eighth for the second.

Chaplains or Assistant Chaplains, absent on leave on account of sickness duly certified, if they proceed to England without returning to the presidency, may apply to be admitted to furlough by the Honorable the Court of Directors, and the furlough will in such cases take effect from the date of leaving the presidency; consequently any allowances that may have been drawn by themselves or by their agents after their departure, must in that case be re-adjusted, and the difference refunded.

No second leave will be granted to any Chaplain or Assistant Chaplain, who has been absent under the above rules for two years, until three years at the least shall have passed after the date of such Chaplain's or Assistant Chaplain's return; but if such Chaplain or Assistant Chaplain is compelled by sickness again to absent himself from his station within three years, after having been absent under the above rules for less than two years, he will be allowed to complete that period, subject to the limitations and conditions heretofore prescribed, drawing the proportion of salary allowed for the remaining time, as if the leave had been continuous.

Chaplains and Assistant Chaplains who may desire to avail themselves of the benefit of the Act 1 Vict. Cap. 47, and to draw their allowances while absent on account of sickness under the above rules, will be required to give security in such amount and form as may be fixed by the Government, for the refund of any excess that may be drawn, either by their agent at the presidency, or by themselves, in case of their proceeding to Europe on furlough, or otherwise coming under retrenchment.

The Government of each Presidency may grant to Chaplains and Assistant Chaplains special leave of absence on private affairs; but if such absence shall exceed the period to which the absentee may be entitled under the following rule,

they shall for the period in excess be subjected to the deduction of one-half of their allowances, and after an absence of six months (in addition to any leave granted under the succeeding rule), all allowances shall be discontinued.

Leave of absence for one month in each year, or two, or three months, as the case may be, under the principle sanctioned in Sec. 11,\* may be granted to Chaplains or Assistant Chaplains, by the Bishop of the Diocese, or when the Diocese may be vacant (but not otherwise), by the Archdeacon, or any other Ecclesiastical functionary performing the duties of an Archdeacon or Commissary, and such leave, being consistent with the rule, will be recognized by the Civil Auditor after it has been published in the Government Gazette of the Presidency, with the authority of Government. Information of every leave so granted by the Bishop or other Ecclesiastical officer above-mentioned, shall be immediately transmitted to the proper Secretary to Government for the purpose of notification in the Gazette.

When a Chaplain or Assistant Chaplain intends to apply for temporary leave of absence, he must give timely notice to the chief Military and Civil resident authorities, in order that if there be any cogent reasons against the absence of the Chaplain, or Assistant Chaplain, they may be submitted to the Governor General in Council.

For embarkation on furlough or sick leave, or with the intention of retiring from the service, a Chaplain or Assistant Chaplain, may take leave under such of the preceding rules as may apply to his case. If a Chaplain or Assistant Chaplain, desirous of returning, or about to proceed to Europe on furlough, shall not under the preceding rules be

\* Sec. 11.—The Government of each Presidency may grant to Civil Servants leave of absence for one month in each year, without deduction from the salaries and emoluments drawn by such Servants. Such leave, however, will only be granted when the Government is satisfied, that no inconvenience will arise from the departure of the officer seeking it. No second leave can be granted under this rule, until the completion of eleven months from the expiration of the last leave. But Servants not availing themselves of the indulgence in any one year, may obtain, under the like conditions, leave of absence for two successive months, to commence at or after the expiration of twenty-two months from the termination of their former leave. And if two years elapse without enjoyment of the privilege, leave of three months may in like manner be granted at the expiration of thirty-three months from the termination of the last preceding leave. But no leave shall be granted under this rule for any period exceeding three months.

entitled to any leave of absence ; special leave may be granted him for one month, if the distance of his station from the presidency or the port at which he shall intend to embark, shall not exceed 300 miles ; for two months, if the distance be more than 300 miles, and less than 600 miles ; or for three months if it shall exceed 600 miles : but such leave can only be granted under medical certificate, and the absentee shall be subjected to the deduction of one-third of his salary and allowances. At the expiration of such special leave it may be renewed for one month, subject to the same deduction, on satisfactory evidence being produced that the Chaplain or Assistant Chaplain, has been prevented leaving India either by severity of illness, or by the difficulty of procuring a passage, but no further leave can under any circumstances be granted. If a Chaplain or Assistant Chaplain, who may have obtained leave with the intention of embarking for Europe on furlough, or retiring from the service, shall subsequently abandon the intention, and return to his station, his absence will be regulated under such of the preceding rules as may be applicable.

Any Chaplain returning to the presidency from a sea voyage, is to rejoin his station within the prescribed time for travelling to such station, unless the contrary be specially sanctioned by Government.

Chaplains or Assistant Chaplains returning to England on furlough, or retiring from the service, with the permission of Government, will receive, on application to the Secretary to Government in the General Department, a certificate according to the following form, a duplicate of which is to be forwarded to the Court of Directors, by the next despatch :—

Regulations for fur-  
lough and Retire-  
ment.

*General Department, the — 18 —.*

I do hereby certify that, on the — A. B. Chaplain (or "Assistant Chaplain") in the Honorable Company's service on the Bengal establishment, obtained the permission of the Governor General in Council to proceed to Europe on furlough for three years on his private affairs, (or, on "account of sickness,") such leave of absence to commence from the — and that on the above date the length of service of the said A. B. was — years, including (*as the case may be*) an absence of — years — months — days on furlough, as appears by a certificate from the Civil Auditor.

C. D., *Secretary to Government.*

In case of sickness a certificate, such as is required in the case of an application for leave of absence, is to be signed by the Surgeon attending upon the individual, and countersigned by a Member of the Medical Board, and sent with the application for leave to proceed to Europe on furlough.

A statement of length of service, compared and certified by the Civil Auditor, is to accompany all applications to the Secretary to Government in the General Department for furlough; such statement is to certify the period of actual residence in India, the time of absence on furlough on any former occasion, and the intention of retiring, or otherwise.

Furlough to Europe is limited to three years from the date of embarkation in India.

An advance of six months' pay will be issuable in India, which advance is to be regulated according to actual period of service. On arrival in England on furlough, a report of the same must be addressed by Letter to the Secretary to the Court of Directors, accompanied by certificates received in India. Extension of furlough will not be granted in England, except in cases of certified sickness, or in those in which it shall be proved to the Court of Directors, that further residence in Europe is indispensably necessary.

When, under such circumstances, furlough shall have been extended to a given period; at the expiration thereof, an application is to be made for permission either to return to duty, or to reside a further time in Europe.

By the exception contained in the Act 53, George III, Cap. 15, § 84, as applicable to cases of sickness, infirmity, or inevitable accident, no Officer below the rank of Lieutenant Colonel under that enactment, or (under Act 33, George III, Cap. 52, § 70,) who may fail to obtain from the Court of Directors an extension of furlough according to the provisions of these acts is eligible to return to the service, after five years' absence.

Pay in England commences from the date of last pay issued in India, and is continued for a period not exceeding two years and six months from the date of quitting India; notwithstanding that the furlough may have been extended beyond that period; but on return to India, an advance of six

months will be made on application to the Auditor of India Accounts.

If three years from the date of quitting India shall have been exceeded, pay is to cease after the prescribed period.

On return to India, allowances recommence from the date of actual arrival in Bengal.

Previously to embarkation for India on return from furlough, a certificate and shipping order are to be obtained from the Secretary to the India House, to be laid before Government immediately on arrival in Bengal. In the payment of allowances, the time passed in any previous furlough, is to be reckoned, together with every subsequent furlough.

In case of demise in England whilst on furlough, the estate of the deceased will be entitled to the pay due to the time of decease, to be certified by the Minister, or Church-Wardens, or the Chief Magistrate, of the nearest town or borough corporate.

A certificate of unavoidable detention on the homeward voyage, or in England, is to be obtained from the Auditor of India Accounts, as the ground of exception to general rules, if admitted as such by the Court of Directors.

Pay is in England issued half yearly; viz. at Midsummer and Christmas; when due, a bill is to be presented to the Auditor of India Accounts, in the following form:—

The Honorable the East India Company. . . . Dr. Form of bill for a  
Chaplain appointed  
before 15th Sept. 1836.

To amount of six months' pay as Chaplain on the Ecclesiastical establishment of Bengal on furlough, being for the corresponding rank of Major, (or "Captain,") from 1st of March to the 1st of September at 15 (or "10") shillings per day, (*as the case may be*), the —— day of —— 18, £0. 0s. Od.

A. B. *Chaplain.*

The Honorable the East India Company. . . . Dr. Form of bill for a  
Chaplain appointed  
after 15th Sept. 1836.

To amount of six months' pay as Chaplain (or "Assistant Chaplain") on the Ecclesiastical establishment of Bengal on furlough, being for the corresponding rank of Captain (or "Captain on half pay") from 1st March to 1st September at 10 (or "7") shillings per day (*as the case may be*), the —— day —— 18——. . . . £0. 0s. Od.

A. B. *Chaplain (or "Assistant Chaplain.")*

At the period of payment, the principal or his attorney is required to make his appearance at the office of the Auditor in England. In case the attorney appears, he must produce a certificate signed by the Minister, or Church-Wardens, or by the Chief Magistrate, of the nearest town or borough corporate to the nearest place of his residence, testifying to the principal being alive.

A pay certificate is to be obtained from the Auditor of India Accounts, specifying the date up to which payment may have been made in England.

In computing the period of service, the completion of which entitles a Chaplain or Assistant Chaplain to retirement, the period of absence on certified sickness, and under regular permission either to the Cape of Good Hope, or other prescribed settlement is to be included therein, but not the period of absence on account of private affairs, or from other cause than sickness.

The following certificate is necessary to be obtained from the Secretary of Government in the General Department previously to quitting the Presidency, whenever a Chaplain may have an intention of retiring from the service.

*Form of Certificate.* I do hereby certify that A. B., Chaplain, (*or "Assistant Chaplain,"*) in the Honorable Company's Service on the Bengal establishment, obtained, on the — day of — in the year — permission of the Governor General in Council to proceed to Europe, with the option of retiring from the service, and that at the above date, the length of service of the said A. B. was — years, including an absence of — years — months — days on furlough, as appears by a certificate from the Civil Auditor. Given under my hand at Fort William this — day of — 18 —.

*C. D. Secretary to Government.*

The intention of retiring from the service is to be signified to the Court of Directors within twelve months immediately after arrival in England.

The vacancy caused by retirement from the service is to be reckoned from the date the Pilot may leave the ship on which the individual embarks for Europe.

Retirements from the service, in cases in which no express intention has been signified, to be assumed and computed

after the expiration of 3 years from the date of quitting India unless furlough be extended ; then, from the date of the expiration of such additional time or otherwise, from the date on which the application to retire may be laid before the Court, which ever shall first happen.

In cases of retirement, testimonials from the Lord Bishop of Calcutta as to conduct in India to be transmitted to the Honorable the Court of Directors through the Government.

A Chaplain, appointed previously to the 1st September, 1836, after seven years' residence in India, is allowed to go home on furlough and receive the pay of Major, £202 per annum. Should he go home from sickness prior to this period of service, he is allowed the pay of Captain only, namely £191-12-6 per annum.

If appointed subsequently to the above date, after seven years' residence in India, he is entitled to receive the pay of Captain ; viz. £191-12-6 per annum ; and if compelled by ill health to go home prior to this period of service, the half pay of Captain, or £127-15-0 per annum. A Chaplain appointed previously to the 1st September 1836, after eighteen years' service in India, including three years for one furlough, is allowed to retire on the pay of Lieutenant Colonel, £365 per annum. After ten years (if compelled by ill health to quit the service,) on the half-pay of Lieutenant Colonel, £200-15-0 per annum : after seven years, on the half-pay of Major £173-7-6 per annum.

If appointed subsequently to the above date, according to the following scale, viz. after eighteen years' service, including three years for one furlough, the pay of Major, viz. £292 per annum ; after ten years' service (if compelled by ill health to quit the service,) on half-pay of Major, viz. £173-7-6 per annum ; after seven years, the half-pay of Captain, viz. £137-15-0 per annum.

Chaplains retiring from ill health before they have served seven years in India, are (according to Para. 11, of the Honorable the Court of Directors' Letter, No. 93, in the Military Department, dated the 9th October 1833,) admissible to the benefit of Lord Clive's Fund on the rank of Captain.

*General Orders by the Honorable the President of the Council  
of India in Council.*

*Fort William, 15th — 1843.*—The following Paragraph of a Military Letter from the Honorable the Court of Directors to the Governor of Bengal, No. 66, dated 4th October 1843, is published for general information :—

“ Para. 31.—Chaplains appointed since 1st September 1836, and their Widows, if entitled to Pension from Lord Clive’s Fund, are admissible only at the following rates ; viz.

1st. Chaplains who have not served seven years in India, a Pension of £ (63-17-6) sixty-three, seventeen shillings, and six pence a-year, (being one moiety of their Pay on Furlough, as fixed by our Letter in the Ecclesiastical Department, dated 31st August 1836, No. 2,) and their Widows, one-half of that sum ; viz. £ (31-18-9) thirty-one, eighteen shillings, and nine pence.

2nd. The Widows of Chaplains who have completed seven years’ actual service in India, as Widows of Captains.

3d. The Widows of Chaplains who have completed fifteen years’ actual service in India, as Widows of Majors.”

W. M. N. STURT, Major,

*Offy. Secy. to the Govt. of India, Mily. Dept.*

## SECTION 12.

### FORMS.

### OATHS.

#### 1. *Of Allegiance.*

I — Clerk — now to be licenced to officiate as a Minister (*and Chaplain, if so*) in the diocese and jurisdiction of — do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

So help me God.

#### 2. *Supremacy.*

I — do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or

any other whatsoever; and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within *Her Majesty's* realm.

So help me God.

### 3. Canonical Obedience.

I —— do swear that I will pay true and canonical obedience to the Lord Bishop of —— and his successors, in all things lawful and honest.

So help me God.

### SUBSCRIPTIONS.

I —— Clerk, —— now to be licenced to officiate as a Minister (*and Chaplain*, if so) in the diocese and jurisdiction of —— do willingly and *ex animo* subscribe to the Thirty-nine Articles of the Church of England, and to all things that are contained in them, this —— in the year of our Lord ——

*A. B.*

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I the above named —— do willingly and *ex animo*, subscribe to the three articles in the Thirth-sixth of the Ecclesiastical Canons made in the year of our Lord one thousand six hundred and three, and to all things that are contained in them, the day and year above-mentioned.

*A. B.*

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I the above named —— do declare that I will conform to the Liturgy of the Church of England, as it now by law established.

*A. B.*

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On the day and year aforesaid these subscriptions were made before us.

*C.*

All which I attest,

*D. Reg.*

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To all Christian people to whom these presents shall come, or in any wise concern —— by Divine permission Bishop of ——\* sendeth greeting: Be it known unto you, that on the —— day of the date hereof —— to be licensed to officiate as Chaplain and Curate of the church and station of —— and the station of —— annexed thereto within the Archdeaconry of —— or any other place within our diocese and jurisdiction to which he may be duly appointed and removed

No. 1  
Certificate of sub-  
scriptions and oaths.  
Declaration of con-  
formity.

\* If licenced by the Bishop of Calcutta, add here, "and Metropolitan in India."

with our written consent,\* did personally appear before us, and fully and amply satisfy us of his having obtained the permission and licence of the Honorable the Court of Directors to reside in India as one of the Chaplains of the Company, and of his having been admitted to the holy order of Priests, and did also subscribe to the Thirty-nine Articles of the Church of England, agreed upon in the convocation holden at London in the year of our Lord one thousand five hundred and sixty two, and to the three articles in the Thirty-sixth of the Ecclesiastical Canons, published in the year of our Lord one thousand six hundred and three, and to all things that are contained in them; and the said —— did at the same time openly make and subscribe the declaration following: "I —— do declare that I will conform to the Liturgy of the 'Church of England as it is now by Law established.'—And also the said —— did at the same time on the holy evangelists swear that he would be faithful and bear true allegiance to Her Majesty Queen Victoria, and that he renounced all foreign jurisdiction, power, superiority pre-eminence or authority, ecclesiastical or spiritual, within Her Majesty's realm, pursuant to an Act of Parliament made and published to that effect, and that he would pay canonical obedience to us and our successors, Bishops of —— in all things lawful and honest.

In testimony whereof, we have caused our hand and seal to be hereunto set and affixed, dated this —— day of —— in the year of our Lord —— and of our consecration the ——

No. 2  
Licence.

—— by Divine permission Bishop of —— to our beloved in Christ *A. B.* —— Clerk, —— of —— College in the University of —— greeting: We do by these presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine, and diligence, we do fully confide, our Licence and Authority to perform the office of Chaplain and of Curate of the Church and Station of —— and the Station of —— annexed thereto —— in the Archdeaconry of —— within our Diocese and Jurisdiction of —— and to which Church and Station you are nominated by —— or at any other place within our said Diocese to which you shall from time to time be appointed and removed with our written consent,† in reading the Common Prayer and performing all other Ecclesiastical duties belonging to the said office, according to the Form prescribed in the Book of Common Prayer, made and published by Authority of Parliament, and the Canons and Constitutions in that behalf lawfully established and promulgated, and not otherwise; and also to preach and expound the Word of God, you having first satisfied us —— of your having obtained the Licence or Permission to reside in India of the —— as a Chaplain —— as well as of your having

\* Or by the orders of the Supreme Government. These words were recommended to be introduced by Dr. Phillimore in the form submitted for his perusal and settlement.

If licensed by the Bishop of Calcutta, add here, "and Metropolitan in India."

† Or by the orders of the Supreme Government.

been admitted to the Holy Order of Priests, and also of your having before us subscribed the Articles, taken the Oaths, and made and subscribed the Declaration, which in this case are required by Law to be subscribed, made, and taken: and We do by these presents allow and assign unto you all and singular the Emoluments and Allowances already belonging thereto, or granted and annexed, or which shall at any time or times hereafter belong to or be granted or annexed to the same, for performing the duties and functions thereof; Provided nevertheless that nothing in this Licence shall extend or be construed to extend to abridge our Episcopal authority and office, or the Episcopal authority and office of our successors, in administering holy ceremonies and performing the functions belonging to us, or to prevent at any time the exercise of our Episcopal authority in specially appointing and authorizing the Archdeacons and other Ministers by us directed and authorized to read and take part in Divine Service at the said Church and Station, or at any other Church or Churches, Station or Stations, within our Diocese, to which you may from time to time be appointed and removed as aforesaid, and to preach therein on all proper occasions as we may order and appoint, hereby reserving to us and our successors, Bishops of —— the power and authority of revoking these presents, and all things herein contained, whenever we shall see just cause for the same.

In testimony whereof we have caused our Episcopal Seal to be hereunto set and affixed. Dated this —— day of —— in the year of our Lord one Thousand Eight Hundred and ——, and of our Consecration the ——.

To all Christian people to whom these Letters Testimonial may come, or in any wise concern, The Venerable —— Archdeacon of the ——  
Archdeaconry of —— and Commissary of the Right Reverend ——  
Lord Bishop of —— sendeth greeting: Be it known unto you that on the day of the date hereof —— to be licensed to officiate as the Chaplain and Curate of the Church and Station of —— with the Station of —— annexed in the Archdeaconry of —— and Diocese of —— or at any other place within the said Diocese to which he may be hereafter appointed and removed with the written consent of the Bishop of the said Diocese,\* did, before his being licensed thereto, personally appear before me —— Commissary for this purpose specially appointed by the said Right Reverend Father in God —— by Divine permission, Bishop of —— and did fully satisfy of his having been admitted to the Holy Order of Priests, and of his having obtained the permission to reside in India of the —— and did also before me subscribe to the Thirty-nine Articles of the Church of England agreed upon in the Convocation holden at London in the year of our Lord one thousand five hundred and sixty-two, and to the Three Articles in the Thirty-sixth of the Ecclesiastical Canons made in the year one thousand six hundred and three,

No. 3.  
Commissary's certif-

\* Or by the orders of the Supreme Government.

and to all things that are contained in them ; and did sign and openly make the following Declaration : " I —— do declare that I will conform to the Liturgy of the Church of England as it is now by Law established." And at the same time did before me on the holy evangelists, swear, that he would be faithful and bear true allegiance to Her Majesty Queen Victoria, and that he renounced all foreign jurisdiction, power, superiority, pre-eminence, or authority, Ecclesiastical or Spiritual, within Her Majesty's realm, pursuant to an Act of Parliament made and published to that effect ; and that he would pay true and canonical obedience to the Lord Bishop of —— and his successors, Bishops of —— in all things lawful and honest.

In testimony whereof the Episcopal Seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same this — day of — in the year of our Lord one thousand eight hundred and.—

I, the Venerable —— Archdeacon of the Archdeaconry of —— in  
 No. 4.  
 Commissary's licence. the Diocese of —— and Commissary of the Right Reverend ——  
 Lord Bishop of —— and his successors, in this behalf hereunto duly authorized, To my beloved in Christ ; greeting : I do by these presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine, and diligence, I do fully confide, the licence and authority of the said Lord Bishop of —— to perform the office of Chaplain and of Curate of the Church and Station of —— and of the Station of —— annexed thereto in the Archdeaconry of —— within the Diocese and Jurisdiction of Calcutta, and to which you are nominated by —— and at any other place within the said Diocese to which you shall from time to time be appointed and removed with the written consent of the Bishop aforesaid, in reading the Common Prayer, and performing all other Ecclesiastical duties belonging to the said Office, according to the Form prescribed in the Book of Common Prayer, made and published by authority of Parliament, and the Canons and Constitutions in that behalf lawfully established and promulgated, and not otherwise; and also to preach and expound the Word of God, you having first satisfied me of your having obtained the Licence or Permission to reside in India of the —— as Chaplain, as well as your having been admitted to the holy Order of Priests, and also having before me subscribed the Articles, taken the oaths, and made and subscribed the Declaration which in this case are required by Law to be subscribed, made, and taken. And I do by these presents allow and assign unto you all and singular the Emoluments and Allowances already belonging thereto, or granted or annexed, or which shall at any time or times hereafter belong to or be granted or annexed to the same for performing the Clerical Duties and Functions thereof; Provided nevertheless that nothing in this licence shall extend or be construed to extend to abridge the Bishop's Episcopal authority and office, or the Episcopal authority and office of his successors, in administering holy ceremonies and performing the functions belonging to him, or to

prevent at any time the exercise of his Episcopal authority in specially appointing and authorizing the Archdeacons and other Ministers by the Bishop directed and authorized to read and take part in Divine Service at the said Church and Station, or at any other Church or Churches, Station or Stations, within the said Diocese, to which you may from time to time be appointed and removed as aforesaid, and to preach therein on all proper occasions as the Bishop may order and appoint, hereby reserving to the said Right Reverend —— Lord Bishop of —— and his successors, Bishops of —— the power and authority of revoking these presents, and all things herein contained, whenever he or they shall see just cause for the same.

In testimony whereof the Episcopal Seal of the said Lord Bishop is hereunto set and affixed, and I have subscribed the same as Commisary. Dated this —— day of — in the year of our Lord one thousand eight hundred and ——.

— by Divine permission, Bishop of — To our beloved in Christ; greeting: We do by these presents give and grant unto you in whose fidelity, morals, learning, sound doctrine, and diligence, we do fully confide, our licence and authority to perform the office of a Missionary Minister at — and within the Missionary Circuit of

— in the Archdeaconry of — within our Diocese and jurisdiction, and to which you are nominated by us, or at any other Missionary Station within the said Archdeaconry to which you shall, from time to time, be appointed and removed, with our written consent in reading the Common Prayer as well in the English as in the vernacular language of the said Station, and performing all other Ecclesiastical duties belonging to the said Office, according to the Form prescribed by the authority of Parliament, and the Canons and Constitutions in that behalf lawfully established and promulgated, and not otherwise; and also to preach and expound the Word of God as a Missionary, within the said Circuit, you having first satisfied us of your having obtained the Licence of the Honorable the East India Company to reside in India, as well as of your having been admitted to the Holy Order of Priests, and also having before us subscribed the Articles, taken the Oaths, and made and subscribed the Declaration which in this case are required by Law to be subscribed, made, and taken: and we do by these presents assign unto you all and singular the salary and emoluments already granted or annexed, or which shall or may at any time or times be granted or annexed to the same, for performing the duties and functions aforesaid, provided always, that nothing herein contained shall prejudice any rights or privileges belonging to the previously licensed Ministers and Chaplains for the time being of the Station of — within which the said Missionary circuit or any part thereof may be, and hereby reserving to us and our successors, Bishops of —, the power and authority of revoking

No. 5.  
Missionary's licence  
to officiate.

these presents, and all things herein contained whenever we shall see just cause for the same.

In testimony whereof we have caused our Episcopal Seal to be hereunto set and affixed. Dated this —— day of — in the year of Our Lord one thousand eight hundred and ——, and of our Consecration the ——.

No. 6.  
Certificate on re-  
moval.

To the Reverend — Minister and Chaplain of — in the Archdeaconry of — in our Diocese of —; greeting.

These are to certify that we, the Right Reverend — Lord Bishop of — do consent to the removal by — of you, the Rev. — Minister and (Senior or Assistant) Chaplain of the Church at — and of the Station of — in the Archdeaconry of — within our Diocese, to the Church at — and to the Station of — annexed in the said Archdeaconry, and that for your officiating at the last mentioned Church and Station to which you are so appointed, this is our licence, subject however to the same forms provisoee and reservations as are contained in our licence to you, bearing date the — day of —

Witness our hand this — day of — in the year of our Lord one thousand eight hundred and —

#### ECCLESIASTICAL.

No. 7.  
Registrar's Official notification given in the Government Gazette on the appointment and licence of a Chaplain to a station.

The Right Honorable the Governor General in Council [or "the Deputy Governor" as the case may be] having been pleased to nominate the Reverend A. B. Clerk, A. M. to be Chaplain of the church and station of —, the Right Reverend the Lord Bishop of Calcutta and Metropolitan has this day, in compliance with such nomination, granted his licence to the Reverend A. B. to officiate at such church and station accordingly.

By order of the Bishop. Dated at Calcutta, this — day of —.

(Signed) C. D.

*Registrar.*

#### ECCLESIASTICAL.

No. 8.  
In case of removal to another station, notification to be given.

The Right Honorable the Governor General in Council [or "the Deputy Governor" as the case may be] having been pleased to nominate the Rev. A. B. at present Chaplain of the Church and Station of — to be the Chaplain of the Church and station of — vacated by the death, ["removal or retirement," as the case may be] of the Rev. —, The Right Reverend the Lord Bishop of Calcutta, and Metropolitan, has this day, in compliance with such nomination, transferred the licence of the Rev. A. B. to such Church and Station, who is by such transfer now licensed to officiate at such last mentioned place.

By order of the Bishop. Dated at Calcutta, this — day of —.

(Signed) C. D.

*Registrar.*

— by Divine permission, Bishop of —, to the faithful in Christ to whom these letters shall come or in any wise concern, Greeting: By these presents we signify that the Reverend — has been for the space of — years licensed by us, and has officiated as a Minister and Chaplain in the Archdeaconry of — within our Diocese and jurisdiction, and has during that time administered the Sacraments and solemnized Divine Offices, and lived discreetly and laudably, nor hath in the mean time done any thing, so far as we know or believe, by which he hath incurred ecclesiastical censure, according to the ecclesiastical laws of the Church of England, on which account we do, by these presents, commend him unto you.

In testimony whereof we have caused our seal, which we use in this behalf, to be hereunto set and affixed. Dated this — day of — in the year of our Lord —, and of our Consecration the —.

For just and reasonable causes me hereunto moving, I — Archdeacon of the Archdeaconry of — and Commissary of the Right Reverend — by Divine permission, Lord Bishop of —, do hereby appoint and substitute you, the Reverend — being one of the Ministers and Chaplains in the Archdeaconry of — to be a Surrogate in and for and throughout the said Archdeaconry within the said Diocese, in order that Episcopal Licences of Marriage may be granted, and for that purpose, to administer all such ecclesiastical oaths as are expedient, and to do and exercise all such matters and things which shall be necessary in that behalf, within the limits of the said Archdeaconry and no where else; and in all cases of doubt or difficulty I recommend your applying to the Registrar of the Archdeaconry of — for the time being; you having first taken the following oath before me, that is to say,

"I — do swear that I will faithfully execute the office of Surrogate within the Archdeaconry of — under the Commissary of the Right Reverend the Lord Bishop of — lawfully appointed according to law, and to the best of my knowledge. So help me God."

Given under the episcopal seal of the see of —. Witness my hand as Commissary. Dated this — day of — in the year of our Lord —.

Know all men by these presents, that I — am held and firmly bound to — in the sum of sicca rupees — of good and lawful money of Bengal, to be paid to the said — for the well and faithful payment whereof, I bind myself, my heirs, and executors, and administrators, firmly by these presents. Sealed with my seal. Dated this — day of — in the year of our Lord —.

Now the condition of this obligation is such, that if the above bounden — deputed Surrogate of — within and for the Archdeaconry of — in the diocese of — to the end that Licences of Marriage to be solemnized therein may issue, doth and shall well and faithfully execute the said office according to law and the best of his

No. 9.  
Letters testimonial.

No. 10.  
Surrogate's Faculty.

No. 11.  
Surrogate's bond to  
the Bischcp.

skill and knowledge, then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of —.

No. 12.  
Registrar's Instructions given with the above Faculty, and with the form and dates therein referred to.

The Surrogate will use great caution in examining the Parties to be sworn, filling up the forms with the names and places of residence and dates at full length.

In no case is a Licence to issue unless the Parties are sworn before the Surrogate, and in case of doubt or difficulty, the Surrogate will refer to the Registrar, as recommended in the Surrogate's appointment.

If the Parties to be married are both of Age (Twenty-one years) and both of them are to be sworn, the Surrogate will use No. 1 Form, but if one of the Parties is prevented from attending, and another person joins in the affidavit on behalf of the party not present, No. 2 is in such case to be used instead of No. 1.

If one of the parties is of Age (namely Twenty-one years) and the other is under that Age, and the parent, next friend or guardian, makes oath on the part of the Minor as to age and consent, the Surrogate will use No. 3 Form.

If both the Parties are Minors under the age of Twenty-one years, and the respective parents, next friends or guardians swear on their behalf, No. 4 is to be used.

The Surrogate having filled up, and the party having read and signed, the Affidavit at the proper places, the former will then give the Testament to the party to be sworn, and holding the paper in his hand, says, " You (*A. B.*) do swear that the contents of this your Affidavit are true." So help you God."

The Party answers " I do," and kisses the book, repeating " So help me God."

The same form is observed to each person sworn.

The Surrogate will then fill up the licence, date and sign it, adding his title as Surrogate, and hand the licence to the parties.

The Surrogate will forward to the Registrar for record all Affidavits as above every three months, unless sooner or whenever required.

In case the party to be married is a minor either in the Civil or Military service, and without possessing either parents or guardians in this country, the consent of the Governor General must be obtained by the minor to his marrying under age, unless the proper consent can be shewn to be already given on the part of the absent parents and guardians to his marrying as a minor, in which case the consent of the Governor General need not be obtained.

In case of any caveat entered in the Registry, or intimation received through the Surrogate against the grant of a licence, the Surrogate will ascertain the particulars and communicate the same to the Registrar for

immediate advice; refusing the licence until the result of that reference is known, and forwarding any affidavit sworn.

*A. B.  
Registrar.*

FORMS OF AFFIDAVIT ABOVE REFERRED TO.

*Within the Archdeaconry and Diocese of ——.*

*In the matter of the intended Marriage of A. B. [Bachelor or Widower] and C. D. [Spinster or Widow.]*

No 1.  
Where both parties  
are of age and attend.

*A. B. of —— in the Archdeaconry above-mentioned [Bachelor or Widower] and C. D. of —— in the said Archdeaconry [Spinster or Widow] the Parties above named do severally make oath and say, that they have respectively attained their respective ages of Twenty-one years, and upwards, and that they verily believe there is no let or impediment of precontract, kindred or alliance or any other lawful cause whatsoever, or any suit pending in any Ecclesiastical Court to bar or hinder the proceeding of the said Marriage.*

*A. B.  
C. D.*

*Sworn at —— this —— day of —— 181 — Before me.*

*E. F. Surrogate.*

*Within the Archdeaconry and Diocese of ——.*

*In the matter of the intended Marriage of A. B. [Bachelor or Widower] and C. D. [Spinster or Widow.]*

No 2.  
Where both parties  
are of age and one  
attends only, and the  
other attends through  
a parent or next  
friend.

*A. B. of —— in the Archdeaconry aborementioned [Bachelor or Widower] and E. F. of —— in the said Archdeaconry, the father of —— above named, severally make oath and say, and first A. B. for himself saith, that he hath attained his age of Twenty-one years and upwards, and E. F. for himself saith, that he is the father of C. D. of —— [Spinster or Widow] above named, and that the said C. D. hath attained her age of Twenty-one years and upwards. And both these Deponents swear that they verily believe there is no let or impediment of precontract, kindred or alliance or any other lawful cause whatsoever, or any suit pending in any Ecclesiastical Court to bar or hinder the proceeding of the said Marriage.*

*A. B.  
E. F.*

*Sworn at —— this —— day of —— 181 — Before me.*

*G. H. Surrogate.*

*Within the Archdeaconry and Diocese of ——.*

*In the matter of the intended Marriage of A. B. [Bachelor or Widower] and C. D. [Spinster or Widow.]*

No 3.  
Where one is of full  
age and the other not  
of age.

*A. B. of —— in the above Archdeaconry [Bachelor or Widower] and E. F. of —— in the same Archdeaconry, the father of C. D. [Spinster or Widow] above named severally make oath and say, and first A. B. for himself saith that he hath attained his full age of Twenty-one years and upwards, and E. F. for*

himself saith that C. D. above named is a minor under the age of Twenty-one years, to wit, of the age of —— years, and that this Deponent the said E. F. under whose care the said C. D. is living hath consented as the father of the said C. D. to the Marriage of the said A. B. with the said C. D. And these Deponents jointly swear that they verily believe there is no let or impediment of precontract, kindred or alliance or any other lawful cause whatsoever, or any suit pending in any Ecclesiastical Court to bar or hinder the proceeding of the said Marriage.

A. B.

E. F.

Sworn at —— this —— day of —— 184 — Before me.

G. H. Surrogate.

## Within the Archdeaconry and Diocese of ——.

In the matter of the intended Marriage of A. B. [Bachelor or Widower] and C. D. [Spinster or Widow.]

No. 4.  
When both are under age.

E. F. of —— in the above Archdeaconry, the father of A. B. above named, and G. H. of —— in the same Archdeaconry the father of C. D. above-named severally make oath and say, and first E. F. for himself saith that A. B. above named is a minor under the age of Twenty-one years, to wit, of the age of —— years, and that this Deponent the said E. F. as the father of the said A. B. above-named under whose care he is living hath consented to the marriage of the said A. B. with the said C. D. above named; and this Deponent G. H. for himself saith that C. D. above named is a minor under the age of Twenty-one years to wit of the age of —— years, and that this Deponent the said G. H. as the father of the C. D. above named and under whose care the said C. D. is living hath consented to the marriage of the said C. D. with the above named A. B. And both these Deponents jointly swear that there is no let or impediment of precontract, kindred or alliance or any other lawful cause whatsoever or any suit pending in any Ecclesiastical Court to bar or hinder the proceeding of the said Marriage.

E. F.

G. H.

Sworn at —— this —— day of —— 18 — Before me.

I. J. Surrogate.

## In the Archdeaconry of ——.

In the matter of A. B. and C. D.

No. 13.  
Form of caveat  
against the issue of a  
licence.

A caution is entered in the Registry of the above Archdeaconry against the grant of a marriage licence between the above parties, on the part of E. F. of —— the father of A. B. above named, under age. In case this objection is denied, security will be given by E. F. to substantiate what is alleged, and against the acts of A. B. and C. D. or either of them under this caveat. Dated this — day of 18—.

(Signed) E. F.

Father of the above named A. B.

*DANIEL, by Divine permission, Bishop of Calcutta, and Metropolitan in India, to A. B. of — in the Archdeaconry of Calcutta, within the Diocese and Jurisdiction of Calcutta, [Bachelor or Widower,] and C. D. of — in the said Archdeaconry, [Spinster or Widow,] Health and Grace.*

No. 14.  
Licence of Marriage.

WHEREAS it is alleged that ye have resolved to proceed to the solemnization of true and lawful Matrimony, and that ye desire that the same may be solemnized, according to the rites of the United Church of England and Ireland, without the publication of *Banns*: To the end therefore that this Marriage may be publicly and lawfully solemnized without the publication by *Banns* by the officiating Minister in holy Orders at — aforesaid, or of such other Minister in holy Orders as may be lawfully authorized to perform the same within the Diocese of Calcutta aforesaid, (provided there shall be and appear no lawful impediment in this case for want of full age or consent of Parents or Guardians, or by reason of any consanguinity, affinity, or any other cause whatsoever, and provided no suit, controversy, or complaint be now depending, or shall be moved before any Judge Ecclesiastical or Civil for or by reason thereof, and provided the said Marriage be solemnized at a regular Church, or other place publicly set apart for the celebration of Divine ordinances and performance of public worship, according to the rites of the said United Church and also within Canonical hours. WE do for lawful causes graciously grant this Episcopal Licence and faculty, as well to the Parties contracting as to the said officiating Minister, or such other Minister in holy Orders as may be lawfully authorized to solemnize the said Marriage between you according to the rites of the Book of Common Prayer set forth for that purpose by the authority of the Parliament of Great Britain. Provided always, that if in this case there shall hereafter appear any fraud suggested, or truth suppressed at the time of obtaining this Licence, then this Licence shall be null and void to all effect of Law, as if the same had never been granted; and in that case we do inhibit all Ministers, if any thing of the premises shall come to their knowledge, that they do not proceed at present to the solemnization of the said Marriage. GIVEN under the Episcopal Seal of the See of Calcutta, which in this behalf is used, this — day of — in the Year of our Lord One Thousand Eight Hundred and Forty —.

For just and reasonable causes We — by Divine permission Bishop of Calcutta and Metropolitan in India hereunto moving.

No. 15.  
Commission for a  
Marriage Licence.

Whereas an application for a Marriage Licence or Dispensation, under the Episcopal Seal of the See of Calcutta, hath been made to us by or on the part of *A. B.* of — in the Archdeaconry of Calcutta [Bachelor or Widower] who it is alleged is about to intermarry to and with *C. D.* of — in the said Archdeaconry [Spinster or Widow.]

Now therefore we do by reason of the great distance of — from Calcutta, and for other sufficient causes, and to the end that the said Episcopal Licence may issue hereby, especially appoint and substitute you *E. F.* and *G. H.* the several Commissaries deputed in this behalf, and either of you (having first taken and subscribed the Oath hereunder written) to administer to the said parties or any persons compe-

tent in their behalf such of the several Oaths hereunto annexed as are expedient to enable the said parties to obtain the said Licence. And what you or either of you shall do or cause to be done in the premises by virtue hereof, you or either of you are duly to certify to us or to the Registrar of the Archdeaconry of Calcutta together with these presents. Given under the Episcopal Seal of the See of Calcutta (which in this behalf is used) this —— day of —— in the year of our Lord One Thousand Eight Hundred and ——.

COMMISSARY'S OATH.

I, E. F. [or G. H.] above named, do make oath and declare that I will faithfully execute the office under the above Commission according to Law and to the best of my knowledge. So help me God.

E. F. [or G. H.]

*Commissary.*

Done at —— this —— day of —— 18 —— in the presence of ——.

I hereby certify that the return of this Commission appears by the Schedule annexed, and that the Licence was, after the due execution of the same, dated and delivered to the parties.

E. F. [or G. H.]

*Commissary.*

INSTRUCTIONS FOR EXECUTING THIS COMMISSION.

*You will first, in the presence of a respectable witness, administer to yourself, the Commissary's Oath on the other side, holding the Testament in your hand; and having repeated aloud the Form, you will kiss the Book, and then subscribe your name at the foot of the Oath. The witness attesting the act will fill up the date, and add his name, where marked.*

*You will afterwards use great caution in examining the parties to be sworn, filling up the Forms, with the names and places of residence and dates at full length.*

*If the parties to be married are both of full age, (Twenty-one,) you will carefully fill up at full length and use Affidavit No. 1.\**

*If in the above instance one party only is sworn, and the Oath on the part the other is taken by a Parent, Guardian, or next friend, use No. 2.*

*If one of the parties only is of full age and the other not of age, you will then use Affidavit No. 3.*

*If both parties are under age (i. e. Twenty-one years) you will use Affidavit No. 4.*

*You will see the parties sign their Affidavit, and you will afterwards carefully fill up and sign the memorandum at the foot and at the certificate above written, and return the commission with the affidavit to me.*

*You will then fill up the date of the licence corresponding with the day on which the parties are sworn, and sign the same as Commissioner, and then deliver it to the parties.*

\* See previous Forms.

*In case the party to be married is a Minor, either in the Civil or Military Service, and without possessing either Parents or Guardians in this country, the consent of the Governor General must be obtained by the Minor, to his marrying under age, unless the proper consent can be shewn to be already given on the part of the absent Parents or Guardians to his marrying as a Minor, in which case the consent of the Governor General need not be obtained.*

*A. B.*

*Registrar of the Archdeaconry of Calcutta.*

## CHAPTER VII.

### OF THE CHURCHES AND CHAPELS IN THE DIOCESES IN THE EAST INDIES.

#### SECTION 1.

The same several Letters Patent of the Crown, already noticed in the last chapter, give authority, as we have seen, to the respective Bishops or their Commissaries, “to grant “ Licences to officiate to all Ministers and Chaplains, of all “ the Churches or Chapels or other places” [within their several Dioceses] “ wherein divine service shall be celebrated according to the Rites and Liturgy of the Church of England.”

Letters Patent 2nd,  
May 1814, Page xi.  
13 June 1833, Page  
xlii, and 1st Oct.  
1837, Page lvi.

#### SECTION 2.

Having, in the preceding chapter, treated of the Ministers and Chaplains to be licensed to officiate in these Dioceses, and of their duties, and given the preceding extracts, we now subjoin some practical particulars, in reference to the Churches or Chapels, at which they are so to be licensed, previously noticing very briefly what is laid down in the Law Books respecting such ecclesiastical Edifices in general.

A Church (*Ecclesia*) is laid down to be a temple, or building consecrated to the honor of God and religion, and anciently dedicated to some Saint, whose name it assumed, which dedication continues still to be the practice with the Church of England.

A Church, what.

A Chapel, what.

A Chapel is laid down to have been, at first, only a tent or tabernacle ; and sometimes a Chapel was formerly called a field church, being nothing more than a covering from the inclemency of the seasons.—*Burn*, vol. 1, page 296. At present there are diversities of chapels ; some are called private, being built by, and endowed, and belong to private individuals.—*Degge*, p. 1, c. 12. Free Chapels are those exempt from all ordinary jurisdiction.—*Gibs.* 210. Chapels of ease are those under a mother Church, being only for prayers and preaching (sacraments and burials being reserved to, and performed at, the Mother Church), *Gibs.* 209. And Parochial Chapels are those having the right of christening and burial, and differing in nothing from a Church, but the want of a rectory and endowment.—*Degge*, p. 1, c. 12.

A Church must have administration of sacraments and sepulture.

And Consecration.

A Church, to be adjudged such in Law, must have administration of the sacraments and sepulture annexed to it. And Churches or Chapels may be built by any, yet before the Law takes knowledge of them to be Churches or Chapels, the Bishop is to consecrate or dedicate the same ; and this is the reason that a Church or not a Church, a Chapel or not a Chapel, shall be tried and certified by the Bishop.—*3 Inst.* 203. And before consecration, sacraments are not to be administered therein.—*Burn*. vol. 1, p. 322.

Of what a Church consists—a belfry or steeple, aisle, chancel, and cemetery.

The building itself consists in general of three principal parts ; first, the belfry or steeple ; secondly, the body of the edifice, which includes, in larger Churches, aisles or wings, as they are termed ; and thirdly, the chancel betwixt the choir and the body. And a Church has also its cemetery or dormitory surrounding or annexed to it.—See also *Burn*, id.

Of the things appertaining to Churches, and without which no Church can be considered complete, it is observed :—

A communion table to be provided.

By Canon 82, all Churches within the realm of England are presumed to have a convenient and decent table, for the celebration of the Holy Communion, which table is directed to be kept “ covered, in time of Divine Service, with a “ carpet of silk or other decent stuff, thought meet by the “ ordinary of the place if any question be made of it, and “ with a fair linen cloth at the time of the Ministration, as “ becometh that table, and shall so stand, saving when the “ said Holy Communion is to be administered.” At such

time “the same shall be placed in so good sort within the “Church or chancel as thereby the Minister may be more “conveniently heard of the communicants in his Prayer and “Ministration, and the communicants also more conveniently, and in more number, may communicate with the “said Minister.”—*Ibid.*

And it is laid down in Lind. 52, that the Archdeacon is to take care that the table itself, and the coverings of the same, be decent and in good order.

By the Rubric it is directed, that a decent Basin be also provided to receive the alms for the poor and other of the people, given at the Ministration of the communion.

A plate for the bread, and a chalice and cup for the wine, <sup>The element.</sup> are also provided in every Church; *see Can. 20*, which also directs that a sufficient quantity of fine white bread, and of good and wholesome wine, for the service of each communion, shall be found.

By *Can. 81* it is appointed, “that there shall be a font of <sup>A font.</sup> stone in every Church and Chapel where Baptism is to be ministered, the same to be set in the ancient usual places, “in which only font the Minister shall baptize publickly.”

The Bishop used anciently to preach standing on the steps <sup>A pulpit.</sup> leading to the communion table, after which it was found more convenient to have pulpits erected for that purpose. *Ayl. Par. 21.* And this latter practice has continued to prevail.

By *Canon 82*, a convenient seat shall be provided for the <sup>A reading desk</sup> Minister to read service in.

By *Can. 58*, every Minister saying the publick prayers or <sup>A surplice</sup> ministering the sacraments, or other rites of the Church, is to wear a decent and comely surplice with sleeves, to be provided, and if any question arise touching the matter, decency, or comeliness thereof, the same shall be decided by the discretion of the Ordinary. Furthermore, such Ministers as are Graduates, shall wear upon their surplices, at such times, such hoods as by the orders of the Universities are agreeable to their degrees, which no Minister shall wear (being no Graduate) under pain of suspension. Notwithstanding, it shall be lawful for such Ministers as are not

Graduates, to wear upon their surplices, instead of hoods, some decent tippet of black, so it be not silk.

A large Bible.

By *Can. 80*, it is directed that a Bible of the largest size shall be provided.

Book of Common Prayer

By *1 Eliz. Cap. 2, § 19*, the Book of Common Prayer is directed to be provided.

An alms chest.

And by *Can. 84*, a strong chest with a hole in the upper part thereof is to be provided for alms. The which alms and devotion of the people shall yearly, quarterly, or oftener, (as need requireth,) be distributed amongst the most poor and needy.

Register Book.

By *Can. 70*, and by *26 Geo. II. Cap. 33*, and now by *4 Geo. IV. Cap. 76*, proper books of vellum, and good and durable paper, shall be provided, in which all christenings, marriages, and banns of marriages, and burials respectively, shall be registered, and which shall be carefully kept and preserved for publick use. For these registers, see further *Burn, Philimore's edition, Vol. III. page 490*, and for those in India, see page 144, herein.

Table of degrees.

By *Can. 99*, the table of degrees of Marriages prohibited shall be in every Church publickly set up.

The Decalogue.

By *Can. 2*, it is appointed that the Ten Commandments be set up, on the east end of every Church and Chapel, where the people may best see and read the same. And by the same Canon, other chosen sentences from the Scriptures shall be placed upon the walls of the said Churches and Chapels in places convenient.

Tablets.

Concerning the building or erecting of tombs, sepulchres, or monuments and tablets in Churches, it is laid down to be lawful, *3rd Inst. 32*. But this must be intended by licence of the Bishop as Ordinary, to whom, or to whose care the fabric of the Church is considered to be committed, that it may not be injured or deformed by the caprice of individuals, —*1 Hag. Con. 205; 3 Inst. 1, 217; Burn's Ecc. Law. Vol. I., page 372*.

A bell.

A bell to ring to church and toll at funerals is laid down to be legally requisite. *3 Hag. 16*.

A bier.

Other goods and ornaments.

Besides what has been observed in particular, there are many other articles necessary, for which it seems no provision

has been made by any special law, such as additional bells, an organ, a clock, vestry and other furniture, and the like, and which in England are provided generally by consent of the Parish.

The Archdeacons and other officials are enjoined, that in the visitation of Churches, they have a diligent regard to the fabric of the Church, and especially of the Chancel, to see if they want repair. And if they find any defect of that kind, they shall limit a certain time, under a penalty, within which they shall be repaired; viz. that after the limited time shall be expired divine service shall not be performed in the church, until competent reparation shall be made. But if there are any particular persons who are bound to contribute towards the repair, and although they be able, are not willing or do neglect the same, such persons may be compelled.—*Lindw.* 33, 53.

By *Can. 86*, every Archdeacon, and others having authority to hold Ecclesiastical visitations, by composition, law, or prescription, are directed to survey the churches of his or their jurisdiction, once in every three years in his own person, or cause the same to be done.

Alterations or enlargements in a church, cannot be legally effected, except by means of a faculty from the Bishop.—*Rogers' Ecc. Law.*

The possession of the church is in the Minister and Church-wardens, and no person has a right to enter it when not open for divine service, except by permission.—*Ibid.*

With regard to the arrangement and distribution of seats, seats. the sole power rests with the Ordinary; “for,” as said by Lord Coke, “as the Church is a place dedicated and consecrated “to the service of God, and is common to all the inhabitants, “it therefore belongs to the Bishop, to order it in such “manner as the service of God may best be celebrated, and “that there be no contention in the Church. And it is to be “presumed, that the Ordinary who hath the care of souls will “take care, in such cases, according to right and conveni-“ency; that is to say, take care that the gentlemen have fit “places for them, and the poor people fit places for them

“ also, and the ordering thereof is a matter merely spiritual.”  
—*Corven's Case*, 1*2 Rep.* 105.

*Church Yard.*

**Church yard.** *Cemeterium* is derived from *Koimáw, dormio*, and therefore the Church-yard is, as it were, a dormitory, because the dead bodies are said there to sleep until the resurrection.—*Burn's Ecc. Law.*

**Origin of** As to the original of burying places, many writers have observed that, at the first erections of Churches, no part of the adjacent ground was allotted for interment of the dead; but some place for this purpose was appointed at a farther distance. Especially in cities and populous towns, where, agreeably to the old Roman law of the Twelve Tables, the place of inhumation was without the walls, first indefinitely by the way side, then in some peculiar enclosure assigned to that use.—*Burn's Ecc. Law.*

**Practice of sepulture** The practice of sepulture has also varied with respect to the places where it is performed. In ancient times, caves seem to have been in high request; then gardens or other private demesnes of proprietors, enclosed spaces out of the walls or towns, or by the sides of roads (*siste viator*); and finally in Christian countries, Churches and Church-yards which are set apart and consecrated for that special purpose. The rule of law which says that every man has a right to be buried in his own Church-yard, is to be found most certainly in many of our authoritative text writers. It is clear that by the common law the rector has the freehold in the Church-yard, qualified undoubtedly by the rights of the parishioners, but he may bring an action for trespass, if his right be unjustly invaded.—*Ibid. Phill. Edit.*

**To be enclosed.** Church-yards are to be decently enclosed, and the cognizance thereof belongeth to the Ecclesiastical Court.—*2 Inst.* 489.

By *Canon* 85, care is to be taken that the Church-yards be well and sufficiently repaired, fenced and maintained with walls, rails, or poles, as have been in each place accustomed.

A corpse once buried cannot be taken up or removed without licence from the Ordinary. *Gibs.* 454, that is to be

buried in another place, or the like ; but in the case of a violent death, the coroner may take up the body for his inspection, if it is interred before he comes to view it.—  
*Burn vol. 1, 271, a.*

Committing a nuisance in a Church-yard is an ecclesiastical offence, and pulling down a tombstone and erecting another is a nuisance. *Burton and another v. Callcot, cited 3 Phill. 90 Maidman v. Malpas, Ibid.*

No one can make a private door into the Church-yard without consent of the Minister and a Faculty from the Bishop.—*1 Burn's Ecc. Law, Phillimore edit. Vol. 1, page 348.*

With regard to the Law concerning monuments, vaults and the like in Church-yards, *see the same work, Vol. 1, pages 271, 272, 273.*

### SECTION 3.

#### OF THE CHURCHES AND CHAPELS AND CEMETERIES IN THE INDIAN DIOCESES.

Having, in the preceding section, endeavoured to give briefly a few particulars and the law, as applicable regarding churches and cemeteries in the English provinces at home, we proceed shortly to notice what is observed as to such edifices within the jurisdiction of the Bishops in the East Indies.

The greater part of the Churches and places of worship of the Episcopal establishment, in these Dioceses, have been comparatively of course but of recent origin, and having been built by, are represented as belonging to the Supreme and local Governments.\* No regular provision or endowment for the constant and permanent supply of Ecclesiastical Ministries at any of them, has hitherto been made, as in the Dioceses in England. The expediency and propriety of indiscriminately consecrating such edifices, without sufficient or any endowment, has been questioned. The legal authorities consulted have thought, that in the absence of any endowment, divine service should be performed in them under the licence simply of the Bishop.

\* suggestions by the present Metropolitan.

The Governments appoint the regular Chaplains of the Company to officiate at their own Churches thus raised at the several stations, subject to the rules of the service, on whose appointments the Chaplains are licensed by the Bishop, as has been already set forth in the last chapter. Nor has any kind of pledge, in any instance, been given, as is believed, that a fixed and settled Ministry will be provided at any of the churches. The Collegiate Chapel of Bishop's College may perhaps be cited as an exception to the above remark ; the Incorporated Society, which founded the College, being pledged to the supply of Professors and other domiciliary clergy for the permanent performance of divine worship in that place.

Many of the churches in these Dioceses have been built also by private subscription, or by different Societies in England and this country, and are sustained by, and considered to be the property of, those who have thus built them. A few are held upon trust, for the purposes of public worship, and as they do not belong to Government, or any corporate body, and have been refused to be endowed or made over for the purposes of consecration (such for instance as the one at Calcutta, called the Old or Mission Church), objections have been made to consecrate property so held ; but licenses to Ministers regularly ordained, have been granted, to perform divine worship thereat, subject to revocation on sufficient cause.\*

In the East Indies.

Having made the foregoing observations, we now mention that the Bishops in the East Indies, in the trust and superintendence generally of these edifices, have been governed by the rules of the Ecclesiastical Law, as far as they can be considered applicable.

The Minister and  
Chaplain has the care  
of.

In the absence of Churchwardens, (which Officers are here unknown in a legal view, or as they exist in the English Dioceses,) the Minister and Chaplain licensed to officiate at the Church, is considered to have the care and superintendence of the fabric, and also the charge of the cemetery attached. He has also the keeping of the property and goods of the Church, and its records and registers. With the

\* For a list of the Churches and Chapels in these Dioceses, *vide* Chapter I p. 16.

Minister and Chaplain rests generally the nomination also of Appointment of subordinate officers.  
the subordinate officers necessary to be employed.\*

It would certainly be found very useful, if Lay Officers, at every important station, possessing functions, similar to those of Churchwardens in England, could be appointed, for assisting the Minister in the performance of this portion of his duty, and in the general management of Ecclesiastical matters connected with his Church and station.†

Lay Trustees.

\* The Most Noble the Governor General in Council is pleased to direct that the Establishments attached to the Churches of the several stations of the Army, shall be placed, from the 1st proximo, under the immediate charge of the resident Chaplains, who are to draw the pay and allowances of those people accordingly."—*G. O. G. G. 9th February, 1820.*

† Since the above was written, the appointment of Lay Trustees at the Chaplaincies and Stations throughout the Diocese of Madras, has been sanctioned by authority. If such a system is efficiently carried out, such appointments cannot fail of becoming most valuable and useful to the Church, and in furthering the ends contemplated, in the Establishment of the English Episcopate in this country. It is to be hoped that similar officers will be appointed to every Chaplaincy in the other Dioceses.

"First.—Two Lay Trustees shall be appointed to each Chaplaincy.

*Second.—At the Civil Stations, or Joint Civil and Military Stations,* the Senior Civil Servant of the Station shall be a Trustee, provided he is a communicant of the Church of England, and has no objection to hold the office.

*At Military Stations.*—The Officer commanding the Cantonment, or Garrison, under the same provisions.

Should either of these officers not be desirous of holding the office, it will be his duty to report the same to Government, and to name for the appointment the officer next in seniority, Civil or Military, qualified for the office, who may be willing to undertake the duty.

*Third.—*The Chaplain, in communication with, and with the concurrence of the Lord Bishop, will nominate, for the approval of Government, a gentleman in the Service of Her Majesty or the Honorable Company, to act as a Co-Trustee.

*Fourth.—*The Lay Trustees shall, in conjunction with the Chaplain, form a Committee of Management on all Church matters, and shall meet for business once in each month, or oftener if necessary. All papers, or references on subjects before the Committee, must be signed by both the Lay Trustees, unless for special reasons to be assigned.

*Fifth.—*The Chaplain or Officiating Chaplain present shall, as a mark of respect due to religion in the person of her Ministers, preside at all meetings of the Committee of Management, and sign all proceedings and letters as President; and the two Lay Members, in the order of their relative official rank.

*Duties of the Lay Trustees.*—1. It shall be the duty of the Lay Trustees to present to the Bishop, or his Archdeacon, at their visitation, or immediately by letter, and at any time on the requisition of the Lord Bishop or his Commissary, any irregularity or scandal on the part of the Chaplain, or in connexion with the Chaplaincy, which may have occurred within the District.—2. To aid and assist the Chaplain in the performance of his duties.

*Duties of the Standing Committee of Management.*—The Committee of Management shall take charge of the School and Charity Funds connected with the Chaplaincy; see that the Church-yard and Burial Ground are kept in becoming order; take charge of the plate, and the care of the goods, repairs and ornaments of the Church, or other building appropriated to the performance of Divine Service, and

## Mural Tablets.

With regard further to these edifices, with a view to the preservation of the interior of them, from being injured, deformed, or defaced, by an indiscriminate admission of mural monuments, and the like, and for other reasons connected with the performance of Divine service; no mural tablet or monument is now admitted into any, except under a Faculty from the Bishop as the Ordinary of the Diocese. This is granted also, as much for the preservation of the building, and order of the Church, as for securing to the parties concerned, the right of erecting such monument or tablet in a particular place, from which it is not to be removed, but with consent of the parties themselves, and under another Faculty. These Faculties are granted, subject to the concurrence of the Government, if the Church is the property of the Government, or if not, of those to whom the Edifice may be considered to belong.

These monuments are to be appropriate for a place in which public worship is performed, and the intended inscription is always submitted to the Bishop, at the time of applying for the Faculty.—*See Forms, Section 8 herein.*

## Vaults &amp;c. in Burial Grounds attached.

The same practice should prevail with regard to family vaults or monuments to be erected in the cemeteries, the size and height of which vaults and monuments and proportions ought to be laid down, and never to exceed a stated number of feet and it would be well also, if all inscriptions introduced were submitted in the first place to the minister or Chaplain.

Under so recent an introduction of Episcopal Churches into this country, the reader would be referred by the author to *Burn's Eccl. Law Vol. I, p. 320*, title 'Church,' where much detailed information will be found on points connected with these subjects.

## Books &amp;c. found by the Government.

Books for the reading desk, communion, plate, register books, surplices, and other usual and necessary things appertaining to Churches, are all provided in general by the respective local Governments, at least for all such as are

represent to Government, through the Ecclesiastical head, any deficiency in these particulars, which they may think it necessary or desirable to supply.

The Chaplain as President, will report to Government any vacancy in the office of Lay Trustee."

**Government Churches.** Applications for any of which necessities are made through the Archdeacon.

It would perhaps be found useful, as a practical rule, if the <sup>suggestion.</sup> Clergy and the Trustees of the Churches, (wherever the latter may be appointed,) were to place themselves in direct communication generally with the respective Archdeacons, on all subjects connected with such edifices and property, whose duty it is to superintend in such ecclesiastical matters, having relation to the want of repairs, and other defects of the sacred fabrics, within their jurisdiction, and in the supply or repair of furniture necessary, and belonging to them, and the like. The representations and requests, for such, if reasonable, and officially made through such a channel, would meet with much greater consideration on the public account, and would then seldom be denied.

This is hinted with a view, not only to convenience, but also to an assimilation of the practice here to that followed in the Dioceses in England ; which of itself ought, it is submitted, to carry with it no slight recommendation and uniformity, as respects the Church, even in apparently the most unimportant matters.

We now go on to notice, very briefly, in the following Section, the subject of Consecration, and to give some information as to what is usual as to the proceedings in India.

#### SECTION 4.

##### OF CONSECRATION AND DEDICATION, AND THE PROCEEDINGS AND INSTRUMENTS TO BE PREPARED PREVIOUSLY THERETO.

In the ancient English Canons we read that the dedication of Churches is known to have had its beginning under the Old Testament, and was observed by the Holy Fathers under the New Testament : under which it ought to be done with the greater care and dignity, because that, under the Old Testament, were only offered sacrifices of dead animals, but under the New Testament, is commemorated by a bloodless offering on the altar the one true Sacrifice once offered, of the only begotten Son of God. Wherefore the Holy Fathers

of consecration and dedication

provided that so sublime an office should not be performed (unless in case of necessity,) but in places dedicated.—*Athon.* 7, *Burn*, vol. 1, p. 324.

If rector or vicar  
of an unconsecrated  
Church, he shall ap-  
ply within one year  
for consecration.

Also, by a constitution of Othobon, the Rector or Vicar of an unconsecrated Church shall apply to the Bishop (if it can conveniently be done,) otherwise to the Archdeacon, that he may apply to the Bishop, within a year after the building of the Church, for the consecration thereof, upon pain of suspension until they comply.—*Athon.* 83.

Licences granted till  
consecration.

In Dioceses so extensive in this country, it must frequently be inconvenient for the Bishop to proceed immediately to consecrate an edifice newly founded and raised. In such a case, it has been usual for him, on a petition, signed by the Minister and principal residents at the place, to grant his Licence to the Minister to perform Divine service therein until consecration. The forms of such a petition and licence are given in the present Chapter, and may be adapted also to Chapels, not intended to be consecrated, or other temporary places of worship.

In India request and  
consent of the local  
Government to con-  
secrate.

Since the episcopal establishment of the Indian dioceses, the practice, on consecration, has been for the Bishop to require, first, the request or application and consent in writing of the local Government to consecrate, and in one or two instances, the property has been first regularly made over.

Unless the Church be  
privately endowed

But if the Church or Chapel belongs to, or is the property of private individuals, the Bishop has always required a proper deed of endowment, or donation, or such other deed of trust for the purposes of consecration, as may be sufficient for supporting, maintaining, and upholding permanently the Church and service, and protecting the property from being again converted to common or profane uses.

Requisites prepara-  
tory to consecration.

Preparatory to consecrating a Church and cemetery, it is necessary, that the building, and cemetery (if there be one,) should be fenced in or enclosed, and the abutments and specific admeasurement in feet should be stated, of the size of the building, and of the ground. The following are the instruments necessary to be then obtained or prepared: first, a

Church and Church-  
yard to be enclosed.

request or application for consecration on the part of the local Government, or else the deed of donation and endowment, as may be; second, a petition to the Bishop to conse-

cate, to be signed by the Minister, and no less than twenty of the principal residents of the place ; third, a notice of consecration, to be fixed on the Church door three days before ; fourth, the sentence of consecration for the Church ; fifth, the same for the Church-yard. Similar proceedings are necessary to be observed in the case of ground being added to any former consecrated cemetery. Forms for all the foregoing are also added in this Chapter.

We now proceed, in the following Section, to give the form and ceremony of Consecration, as followed in India.

## SECTION 5.

### **FORM OF CONSECRATING A CHURCH OR CHAPEL AND CHURCH-YARD, USED IN THE DIOCESES IN THE EAST INDIES.**

Preparations in order to the consecrating of a Church and Church-yard.

- ¶ *The Church is to be paved, and furnished with a Reading Desk, Common Prayer, and great Bible, as also with a Pulpit and Cushion, a Font, a Communion-table, and with Linen and Vessels for the same.*
- [*The Burial-ground is to be properly enclosed, fenced, and completed, with gates and Church-ways.*]
- ¶ *The Church-wardens are to be named, and the Clerk appointed ; and the Deed of Conveyance, or Donation of the Ground, the Endowments, and the evidences thereof, the Nomination of the Minister, and such other Documents as shall in any case be requisite, are to be laid before the Bishop or his Chancellor, sometime before the day proposed for the Consecration of the Church.*
- ¶ *An intimation of the Bishop's intention to consecrate the Church [and Burial-ground], with the day and the hour appointed for it, is to be fixed on the Church-door at least three days beforehand.*
- ¶ *Chairs are to be set on the north side of the Communion-table for the Bishop, on the south for the Chaplains, and one conveniently near the Bishop's Chair for the Chancellor or Commissary, and also for the Registrar.*
- ¶ *The Communion-vessels are to be placed on the Communion-table, or the Books and Vessels may be presented and received at the time of Consecration.*

The Bishop, with his Chaplain, is received at the Door of the Church by the Minister, and Gentry, and Registrar, and by them conducted to the Vestry Room. Having proceeded in his Robes to the front of the Communion-table, the Bishop is by the Minister presented with the Petition for Consecration, which the Bishop delivers to the Registrar, to be by him read, aloud. The Petition having been read, the Bishop signifies his readiness to consecrate the Church (and Burial-ground,) according to the Prayer contained therein. Then the Bishop, with his Chaplain and Clergy, walk from the East to the West end of the Church, and back again, repeating alternately the verses of the 24th Psalm; the Bishop beginning :

1. *The earth is the Lord's and all that therein is ; the compass of the world, and they that dwell therein.*
2. *For he hath founded it upon the seas ; and prepared it upon the floods.*
3. *Who shall ascend into the hill of the Lord ; or who shall rise up in his holy place ?*
4. *Even he that hath clean hands, and a pure heart ; and that hath not lift up his mind unto vanity, nor sworn to deceive his neighbour.*
5. *He shall receive the blessing from the Lord ; and righteousness from the God of his salvation.*
6. *This is the generation of them that seek him ; even of them that seek thy face, O Jacob.*
7. *Lift up your heads, O ye gates, and be ye lift up, ye everlasting doors ; and the King of glory shall come in.*
8. *Who is the King of glory ? It is the Lord, strong and mighty, even the Lord mighty in battle.*
9. *Lift up your heads, O ye gates, and be ye lift up, ye everlasting doors ; and the King of glory shall come in.*
10. *Who is the King of glory ? even the Lord of hosts, he is the King of glory.*

**Glory be to the Father, and to the Son, and to the Holy Ghost.**

*As it was in the beginning, is now, and ever shall be, world without end*  
*Amen.*

When they come to the Lord's Table, the Bishop takes his seat in his Chair, on the North side thereof : the Deed of Conveyance, or Instrument of Donation or Sanction of Government, or other Document, is presented to him by the Minister. The Bishop then standing on the North side, turns to the Congregation, and says :

Dearly beloved in the Lord ; forasmuch as devout and holy men, as well under the Law as under the Gospel, moved either by the secret inspiration of the Holy Spirit, or by the express command of God, or by their own reason, and sense of order and decency, have erected houses for the public worship of God, and separated them from all profane and common uses ; which godly practice hath a manifest tendency to advance the honour of God's holy Name, and to enliven the devotion of those who are engaged in His service : let us humbly hope,

that our heavenly Father will favourably approve our present purpose, of setting apart this place in solemn manner, for the performance of the several offices of religious worship, and let us faithfully and devoutly pray for His Blessing on this our undertaking.

*Then the Bishop, kneeling down, prays as follows :*

O eternal God, mighty in power, of majesty incomprehensible, whom the Heaven of Heavens cannot contain, much less the walls of temples made with hands, who yet hast been graciously pleased to promise thine especial presence, in whatever place even two or three of thy faithful servants shall assemble in thy name, to offer up their supplications and their praises to thee; vouchsafe, O Lord, to be now present with us, who are here gathered together, to consecrate this place with all humility and readiness of heart, to the honour of thy great Name; separating it henceforth from all unhallowed, ordinary, and common uses, and dedicating it entirely to thy service, for reading therein thy most holy Word, for celebrating thy holy Sacraments, for offering to thy glorious Majesty the sacrifices of prayer and thanksgiving, for blessing thy people in thy name, and for performing all other holy ordinances which may be lawfully solemnized therein. Accept, O Lord, this service at our hands, and bless it with such success, as may promote thy glory, and the salvation of thy people, through Jesus Christ, our Lord and Saviour. *Amen.*

*After this, the Bishop standing up, and turning his face toward the Congregation, says :*

Regard, O Lord, the supplications of thy servants; and grant, that whosoever shall be dedicated to thee in this house by Baptism, may be sanctified by the Holy Ghost, delivered from thy wrath and eternal death, and being made a living member of Christ's Church, may ever remain in the number of thy faithful and elect children. *Amen.*

Grant, O Lord that they who in this place shall in their own persons renew the promises and vows made for them by their sureties at their baptism, and thereupon shall be confirmed by the Bishop, may continue thine for ever; and being preserved in the unity of thy Church, may daily increase in thy Holy Spirit more and more, until they come to thine everlasting kingdom. *Amen.*

Grant, O Lord, that whosoever shall receive in this place the blessed sacrament of the body and blood of Christ, may come to that holy ordinance with a true penitent heart, lively faith, and perfect charity; and being filled with thy grace and heavenly benediction, may to their great and endless comfort, obtain remission of their sins, and all other benefits of his passion. *Amen.*

Grant, O Lord, that whosoever shall be joined together in this place in the holy estate of Matrimony, may faithfully perform and keep the vow and covenant betwixt them made, and remain in perfect love together unto their lives' end. *Amen.*

Grant, O Lord, that by thy holy Word, which shall be read and preached in this place, the hearers thereof may both perceive and know what things they ought to do, and also may have grace and power faithfully to fulfil the same. *Amen.*

Grant, O Lord, that whosoever shall confess their sins, and offer up their prayers and praises unto thy Divine Majesty in this place, may draw near unto thee with such steadfastness of faith, and with such seriousness, sincerity, and devout affection of mind, that they may be graciously accepted in thy sight; O Lord, pardon their sins, compassionate their infirmities, enlighten and sanctify them by thy Holy Spirit, so to serve and worship thee here below, that finally they may be received into thy presence, to praise and glorify thee for evermore. Grant this, O Lord, for Jesus Christ's sake, our only Mediator and Advocate. *Amen.*

Now unto the King eternal, immortal, and invisible, the only wise God, the Father, the Son, and the Holy Ghost, be honour and glory, for ever and ever. *Amen.*

Then, the Bishop sitting in his Chair, the Sentence of Consecration is to be read by the Chancellor or Registrar, and signed by the Bishop, and by him ordered, with the Petition and Deeds, to be recorded and registered in his Registry,

After this, the Minister officiating, is to read the Service for the Day except where it is otherwise directed.

#### PROPER PSALMS. Ixxxiv. cxxii. cxxxii.

First Lesson, 1 Kings viii. 22—62; or Zech. viii. 9, to end of Chapter.

Second Lesson, Heb. x. 19—25.

*After the Collect for the Day, the Minister stops till the Bishop hath prayed, as follows :*

O most Blessed Saviour, who by thy gracious presence at the Feast of Dedication, didst approve and honour such religious services, as this which we are now performing unto thee, be present with us at this time by thy Holy Spirit, and because holiness becometh thine house for ever, sanctify us we pray thee, that we may be living temples, holy and acceptable unto thee, and so dwell in our hearts by faith, and possess our souls by thy grace, that nothing which defileth may enter into us; but that, being cleansed from all carnal and corrupt affections, we may ever be devoutly given to serve thee in all good works, who art our Saviour, Lord and God, blessed for evermore. *Amen.*

*And immediately before the Prayer of St. Chrysostom, the Bishop shall say the following Prayer :*

Blessed be thy name, O Lord, that it hath pleased thee to put it into the hearts of thy servants to erect this house to thy honour and worship. Bless, O Lord, them, their families, and substance, and ac-

cept the works of their hands; remember them concerning this; wipe not out this kindness that they have shewed for the house of their God, and the offices thereof; and grant that all, who shall enjoy the benefit of this pious work, may shew forth their thankfulness by making a right use of it, to the glory of thy blessed name, through Jesus Christ our Lord. *Amen.*

A Psalm may be sung, viz. Psalm lxxxiv. 1—4; with *Gloria Patri.*

### COMMUNION SERVICE.

*The Bishop standing at the North side of the Communion-table as before, reads the Communion-service.*

After the Collect for the King (or Queen) he prays as follows:

O Most glorious God, we acknowledge that we are not worthy to offer unto thee any thing belonging to us; yet we beseech thee, of thy great goodness graciously to accept the dedication of this place to thy worship and service, and to prosper this our undertaking; receive the prayers and intercessions of us, and all others thy servants, who either now or hereafter entering into this thy house, shall call upon thee; and by thy grace prepare our hearts to serve thee with reverence and godly fear. Affect us with an awful apprehension of thy divine Majesty, and with a deep sense of our own unworthiness, that so, approaching thy sanctuary with lowliness and devotion, and coming before thee with clean thoughts and pure hearts, with bodies undefiled, and minds sanctified, we may always perform a service acceptable to thee, through Jesus Christ, our Lord. *Amen.*

EPITOLE.—EPHES. II. 13—22;—OR 2 COR. VI. 14—18.

To be read by the Bishop's Chaplain.

Now in Christ Jesus, ye who sometime were far off, are made nigh by the blood of Christ. For he is our peace, who hath made both one, and hath broken down the middle wall of partition between us, having abolished in his flesh the enmity, even the law of commandments contained in ordinances, for to make in himself of twain one new man, so making peace, and that he might reconcile both unto God in one body by the cross, having slain the enmity thereby, and came and preached peace to you which were afar off, and to them that were nigh. For through him we both have access by one Spirit unto the Father. Now therefore ye are no more strangers and foreigners; but fellow-citizens with the saints, and of the household of God, and are built upon the foundation of the apostles and prophets, Jesus Christ himself being the chief corner-stone, in whom all the building fitly framed together, groweth unto an holy temple in the Lord; in whom ye also are builded together for an habitation of God through the Spirit.

GOSPEL.—ST. JOHN II. 13—17.

And the Jews' passover was at hand ; and Jesus went up to Jerusalem, and found in the temple those that sold oxen, and sheep, and doves, and the changers of money, sitting : and when he had made a scourge of small cords, he drove them all out of the temple, and the sheep and the oxen, and poured out the changers' money, and overthrew the tables, and said unto them that sold doves, take these things hence ; make not my Father's house a house of merchandize. And his disciples remembered that it was written, the zeal of thine house hath eaten me up.

Then the Bishop reads the Nicene Creed, and notice is given for the Celebration of the Holy Communion on the following Sunday ; if, from circumstances, the Bishop thinks it best not to celebrate it at the time ; after which the 100th Psalm is sung.

## THEN FOLLOWS THE SERMON.

The Sermon being ended, the Prayer for the Church Militant is read, and immediately before the final Blessing, the Bishop prays as follows :

Blessed be thy name, O Lord God, for that it pleaseth thee to have thy habitation among the sons of men upon earth, and to dwell in the midst of the assembly of the saints upon earth : Bless, we beseech thee the religious solemnity of this day ; and grant that in this place, now set apart to thy service, thy holy name may be worshipped in truth and purity to all generations, through Jesus Christ our Lord. *Amen.*

O God, the Father of our Lord Jesus Christ, our only Saviour, the Prince of peace ; we beseech thee to take away from us all pride and prejudice, and whatsoever else may hinder us from godly union and concord : that as there is but one body and one Spirit, and one hope of our calling, one Lord, one faith, one baptism, one God and Father of us all, so we may henceforth be all of one heart and of one soul, united in one holy bond of truth and peace, of faith and charity, and may with one mind and one mouth glorify thee ; through Jesus Christ our Lord. *Amen.*

*The following is added when the Church or Chapel has been built with the aid of Government.*

Blessed be thy name, O Lord God, that it hath pleased thee by thy good Spirit to dispose our Governors to supply the Spiritual wants of thy people, by assisting in erecting and dedicating to thy worship and service, this and many other Churches and Chapels : Multiply thy blessings upon them, for their pious regard to thy honour, and to

the good of souls ; Remember them concerning this, and wipe not out the kindness they have shewn to thy Church, and to the offices thereof; and grant that our gracious Queen may see and long enjoy the fruits of her godly zeal, in the edification of the members of our Church, and in the return of those that have strayed from it, that we may all live together in the unity of the Spirit, and in the bond of peace, through Jesus Christ our Lord. *Amen*

The peace of God, which passeth all understanding, keep your hearts and minds in the knowledge and love of God, and of his Son Jesus Christ, our Lord ; and the blessing of God Almighty, the Father, the Son, and the Holy Ghost, be amongst you, and remain with you always. *Amen.*

#### *Consecration of a Church-yard.*

When the Service in the Church is finished, let the Bishop and Clergy, with the people, repair to the ground which is to be consecrated, and proceed round the ground, repeating alternately the verses of the 49th or 115th Psalm.

#### Psalm xlix.

O hear ye this, all ye people ; ponder it with your ears, all ye that dwell in the world ;

2. *High and low, rich and poor, one with another.*

3. My mouth shall speak of wisdom, and my heart shall muse of understanding.

4. *I will incline mine ear to the parable, and shew my dark speech upon the harp.*

5. Wherefore should I fear in the days of wickedness, and when the wickedness of my heels compasseth me round about ?

6. *There be some that put their trust in their goods, and boast themselves in the multitude of their riches.*

7. But no man may deliver his brother, nor make agreement unto God for him.

8. *For it cost more to redeem their souls ; so that he must let that alone for ever ;*

9. Yea, though he live long, and see not the grave.

10. *For he seeth that wise men also die, and perish together, as well as the ignorant and foolish, and leave their riches for other.*

11. And yet they think that their houses shall continue for ever, and that their dwelling-places shall endure from one generation to another ; and call the lands after their own names.

12. *Nevertheless, man will not abide in honour, seeing he may be compared unto the beasts that perish ; this is the way of them.*

13. This is their foolishness ; and their posterity praise their saying.

14. *They lie in the hell like sheep, death gnaweth upon them and the righteous shall have domination over them in the morning ; their beauty shall consume in the sepulchre out of their dwelling.*

15. But God hath delivered my soul from the place of hell, for he shall receive me.

16. *Be not thou afraid, though one be made rich, or if the glory of his house be increased;*

17. For he shall carry nothing away with him when he dieth, neither shall his pomp follow him.

18. *For while he lived, he counted himself an happy man; and so long as thou doest well unto thyself, men will speak good of thee.*

19. He shall follow the generation of his fathers, and shall never see light.

20. *Man being in honour hath no understanding, but is compared unto the beasts that perish.*

Glory be to the Father, and to the Son, and to the Holy Ghost.

*As it was in the beginning, is now, and ever shall be, world without end.*  
Amen.

#### Psalm cxv.

Not unto us, O Lord, not unto us, but unto thy name give the praise . for thy loving mercy, and for thy truth's sake.

2. *Wherefore shall the heathen say, Where is now their God?*

3. As for our God, he is in heaven ; he hath done whatsoever pleased him.

4. *Their idols are silver and gold, even the work of men's hands.*

5. They have mouths, and speak not ; eyes have they, and see not.

6. *They have ears, and hear not ; noses have they, and smell not.*

7. They have hands, and handle not ; feet have they and walk not ; neither speak they through their throat.

8. *They that make them are like unto them ; and so are all such as put their trust in them.*

9. But thou, house of Israel, trust in the Lord ; he is their succour and defence.

10. *Ye house of Aaron, put your trust in the Lord ; he is their helper and defender.*

11. Ye that fear the Lord, put your trust in the Lord ; he is their helper and defender.

12. *The Lord hath been mindful of us, and he shall bless us ; even he shall bless the house of Israel, he shall bless the house of Aaron.*

13. He shall bless them that fear the Lord, both small and great.

14. *The Lord shall increase you more and more, you and your children.*

15. Ye are the blessed of the Lord, who made heaven and earth.

16. *All the whole heavens are the Lord's ; the earth hath he given to the children of men.*

17. The dead praise not thee, O Lord, neither all they that go down into silence.

18. *But we will praise the Lord, from this time forth for evermore.*  
*Praise the Lord.*

Glory be to the Father, and to the Son, and to the Holy Ghost.  
*As it was in the beginning, is now and ever shall be, world without end.*  
*Amen.*

OR, STANDING IN SOME CONVENIENT PLACE, LET THE BISHOP SAY,  
 The glorious Majesty of the Lord our God be upon us. Prosper  
 thou the work of our hands upon us, O prosper thou our handy work.

After which the Sentence of Consecration (unless included in the Sentence of Consecration of the Church) shall be read by the Registrar, and signed by the Bishop; and a Psalm may be sung, *viz.* Psalm xxxix. 5—8.

*Which ended, the Bishop shall say :*

O God, who hast taught us in thy Holy Word, that there is a difference between the spirit of a beast that goeth downwards to the earth, and the spirit of a man which ascendeth up to God who gave it; and likewise by the example of thy holy servants, in all ages, hast taught us to assign peculiar places where the bodies of thy saints may rest in peace, and be preserved from all indignities, whilst their souls are safely kept in the hands of their faithful Redeemer: Accept, we beseech thee, this charitable work of ours, in separating this portion of land to that good purpose; and give us grace, that by the frequent instances of mortality which we behold, we may learn, and seriously consider how frail and uncertain our condition here on earth is, and so number our days, as to apply our hearts unto wisdom. That in the midst of life thinking upon death, and daily preparing ourselves for the judgment that is to follow, we may have our part in the resurrection to eternal life, with Him who died for our sins, and rose again for our justification, and now liveth and reigneth with thee and the Holy Ghost; one God, world without end. *Amen.*

The Lord bless us, and keep us; the Lord lift up the light of his countenance upon us, and give us peace now, and for ever more. *Amen.*

## SECTION 6.

### FORMS.

*To the Right Reverend Father in God — by Divine permission, Lord  
 Bishop of —*

The humble petition of the Reverend — Minister Chaplain at — in the Archdeaconry of — within your Lordship's diocese and jurisdiction, and of the several residents and inhabitants in and about the same place, whose names and signatures are hercunto subscribed.

Sheweth,

That the new Church or edifice at — above-mentioned called — and which has been lately erected, built and finished by and at the expense of — containing in length from East to West — feet, and in width from North to South — feet, inclusive of the exterior walls; and the present Burial Ground of — aforesaid, belonging to the said

No. 1.  
 Petition to consecrate  
 adapted to church and  
 Burial ground.

Church, consisting of all that piece or parcel of ground as the same is enclosed around, containing by admeasurement — and lying and being in — and abutting as follows: that is to say, towards the East to the — and containing by admeasurement on that side — feet, towards the West to the — and containing by admeasurement on that side — feet, towards the South to — and containing by admeasurement on that side — feet, and towards the North — and containing by admeasurement on that side — feet, have not yet been consecrated.

That your petitioners have obtained the sanction of the Government of — testified in the letter annexed hereto, marked — to make this application to your Lordship for the regular consecration of the said Church for the celebration of divine service therein according to the United Church of England and Ireland.

Your petitioners therefore humbly pray, that your Lordship will be pleased by virtue of your pastoral and Episcopal office, to separate the said edifice or building from all profane uses, and to dedicate and consecrate the same to the honour and worship of Almighty God, and assign it to be perpetually the Church of — at — aforesaid, to the aforesaid use, and also to consecrate and set apart and appropriate the said Burial Ground above-mentioned as the Cemetery of the said Church, from all profane and common uses.

And your petitioners will ever pray.

(Signed)                  A. B.  
                                  C. D.

No. 2

*The deed of donation or endowment is usually drawn up in the form of a conveyance in fee; and contains the terms of the endowment, and the necessary covenants. The form given in the 58 Geo. 3, c. 45, § 37, might be made applicable for Churches founded in these dioceses.*

No. 3.

*Sentence of Consecration of a Church.*

In the name of God, Amen. Whereas we did lately receive the petition of the Reverend — Minister or Chaplain at — in the Archdeaconry of — within our diocese and jurisdiction, and of the several residents and inhabitants in and about the same place, whose names and signatures were thereunder subscribed, humbly praying, (amongst other things,) that we would be pleased by virtue of our pastoral and Episcopal office to consecrate the new Church, or edifice at — aforesaid, to be called — Church. And whereas we have taken the said petition into our most serious consideration, and have at the special request and consent thereto of the Government of — complied with the same, We — by divine permission Bishop of — do therefore, by virtue of our ordinary and Episcopal authority, now separate and set apart the said place, edifice or structure, containing in length from East to West — feet, and in width from North to South — feet, from all profane or common uses, and do hereby dedicate the same as the Church of — at —

aforesaid, to God and divine worship, and do consecrate it for the celebration of divine service therein, according to the United Church of England and Ireland, and we do openly and publicly pronounce and declare that it shall so continue for ever hereafter separated, dedicated, and consecrated, by this our definitive sentence or final decree, which we make, pronounce, and promulge in these writings; saving and reserving unto us and our successors, Bishops of Calcutta, all ordinary and Episcopal jurisdiction, rights and privileges. In testimony whereof we have caused our Episcopal seal to be hereunto affixed, this — day of — in the year of our Lord — and in the — year of our consecration.

In the name of God, Amen. We — by divine permission Bishop of — taking into consideration the pious and religious desires of the residents and inhabitants of — in the Archdeaconry of — in our diocese and jurisdiction of —, do decree this piece of ground, as the same is enclosed around, containing on the East side — feet, on the West side — feet, on the South side — feet, and on the North side, — feet, or thereabouts, to be separated from all ancient, common, and profane uses, and do by our ordinary and Episcopal authority assign, dedicate, and consecrate it as the Church-yard, Cemetery, or Burying place, for the dead bodies of the residents and inhabitants of — aforesaid, Members of the Church of England; and we do openly and publicly pronounce, decree, and declare, that the same shall for ever hereafter continue so separated, assigned, dedicated, and consecrated, by this our definitive sentence or final decree, which we make and promulge in these writings; saving always, and in all things, to ourselves and our successors, Bishops of Calcutta, all ordinary and Episcopal jurisdiction, rights and privileges. In testimony whereof we have caused our Episcopal seal to be hereunto affixed, this — day of — in the year of our Lord — and in the — year of our consecration.

Act on consecrating the new Church at — and the new Burial Ground at the same place, in the Archdeaconry of — in the diocese of Calcutta, on the — day of —.

*Enter petition to consecrate. Then the sanction and authority in writing, of the local Government, and (if any) the deeds or instruments of endowment or donation.*

The Right Reverend — Lord Bishop of Calcutta, attended by the Venerable Archdeacon — and the following Clergy, the Reverend — [adding their names], came this day to the above place, and were there met by the Reverend — the Minister and Chaplain, and by [here add the names of the petitioners and principal residents who attended] and who delivered the above petition, praying the edifice might be consecrated; which petition was then and there openly read by me, as Registrar [or Actuary for that purpose] which, being done, the Bishop entered on the

No. 4.  
Sentence of Consecra-  
tion of Burial ground.

No. 5.  
Registrar's or Actuary's act, for a reg stry  
on the consecration of  
a church and Cemetery.

work of consecration, and proceeded to the West door of the Church, where he was admitted; the Bishop followed by the Archdeacon and officiating Clergy and other attendants, proceeded up the aisle to the altar, repeating alternately the 24th Psalm.

The above sanction in writing of the local Government, and the instruments of endowment or donation were presented by — to the Bishop, at the altar.

The Bishop then proceeded with the service. After the appointed prayers had been offered up, the following sentence of consecration was then passed, and signed in my presence by the Bishop, and was openly pronounced and read by the — and ordered to be recorded.

[Enter the Sentence.]

The service for the day then commenced, which was read by the Reverend —

The Psalms being the 81st, 122nd, and 132nd.

The First Lesson, I Kings 8, from ver. 22, incl. to v. 62.

Second Lesson, Heb. 10, from v. 19, incl. to v. 26.

And the following Psalm sung, viz. 26, v. 6, 7, 8, with Gloria Patri.

The Communion Service was read by —.

The Epistle by — and the Gospel by —.

The Epistle being 2 Cor. 6, v. 11 incl. to v. 17.

The Gospel, John 2, v. 13 to v. 18 incl.

And the Bishop read the Nicene Creed.

After the Communion Service, the 100th Psalm was sung.

The Sermon was preached by the Reverend —.

The Holy Communion was then administered; and the Bishop before his final blessing, read the prayer as appointed.

After the service in the Church, the Bishop attended by the above Clergy and others, proceeded to the Burial Ground, where the following sentence of consecration was passed, and signed in my presence by the Bishop, and there openly pronounced and read by the — and ordered to be registered.

[Enter Sentence.]

Which being done, the Bishop offered up and repeated the prayers as appointed.

All which I duly attest,

*A. B. Registrar, or Actuary.*

*To the Right Reverend — Lord Bishop of —*

No. 6.  
Petition for allowance  
of Divine Worship un-  
til Consecration.

The humble petition of the Reverend — Minister and Chaplain and of the several residents and inhabitants of the same place, whose names are hereunto subscribed.

Sheweth,

That a certain building or edifice lately erected and built by — and intended for a Church or place of divine worship at the said — in the — Archdeaconry of — hath not been legally consecrated.

That the said edifice is furnished at present with all things necessary for the performance of divine service, and is placed under the care of — as the Minister and Chaplain at — aforesaid.

Your petitioners therefore humbly pray, that your Lordship will be pleased to grant your licence and authority for the performance of divine service therein, according to the Rubric of the United Church of England and Ireland, until the same can and may be consecrated; we hereby promising in such case, to apply to your Lordship to consecrate the said edifice or church as soon as the same can be conveniently done.

And your Petitioners will ever pray, &c.

(Signed,) A. B.

C. D.

— by divine permission Lord Bishop of — To all Christian people to whom these presents shall come, greeting: Whereas, it has been represented unto us, by the petition of the Reverend — Minister and Chaplain at — in the Archdeaconry of — within our diocese of — and of the several residents and inhabitants in and about the same place, that a certain building or edifice lately erected and built by — and intended by them for a Church or place of divine worship, at the said place called — and to be called, dedicated, and consecrated by the name of — hath not yet been legally consecrated, and humbly praying that we would be pleased to grant our licence and authority for the performance of divine service therein, till such time as we should be enabled to consecrate the same, and thereby promising that they or some of them would again apply to us for the regular consecration thereof. Now therefore know ye, that taking the premises into our most serious consideration, we have thought fit to grant, and do accordingly by these presents grant our full leave, licence, and authority, to the said — Minister [and Chaplain] at — in the Archdeaconry of — within our diocese as aforesaid, or to the Minister [and Chaplain] for the time being thereof, who shall at any time hereafter be duly appointed and regularly licenced to officiate thereat, and to all and singular the residents and inhabitants of our said — of the said place to resort to the said edifice or building until the same shall be legally and properly consecrated, and therein to perform and celebrate divine service according to the Rubric of the United Church of England and Ireland, so as this our licence shall continue in force only from the date hereof, until such time as the said erection, or building, or chapel, can be so as aforesaid legally and properly consecrated a Church and no longer, and so as that they the said residents and inhabitants or some of them, or the residents and inhabitants for the time being, together with the said — or the Minister or Chaplain for the time being, shall and do apply to us and our successors as soon as the same can be legally and properly consecrated as aforesaid, or so soon after as may be convenient, to consecrate the same accord-

No. 7.  
Licence for the performance of divine worship until Consecration.

ingly, hereby reserving unto us and our successors the power and authority at all times of revoking these presents whenever we shall see just and sufficient cause for the same. In testimony whereof we have caused our episcopal seal to be hereunto affixed this — day of — in the year of our Lord — and of our consecration the —.

*To the Right Reverend —— Lord Bishop of ——.*

Petition for a Faculty  
for a Monument or  
Tablet in a Church. The humble petition of —— in the Archdeaconry of —— and others whose names are hereunder subscribed.

Sheweth,

That your petitioners are anxious to raise a Mural Monument (or Tablet to the memory of —— deceased in the Church of —— at —— aforesaid, and to erect or place the same at (here describe the place or space in the Church.)

That the dimensions of the said Mural Monument or Tablet will not exceed (here give the dimensions.)

That the said Tablet is not inappropriate for a place of divine service, and that a copy of the inscription intended to be engraved on the said Tablet is submitted herewith.

That the consent of the Reverend —— Minister of the said Church, to the admission and erection of the said Tablet, in the said Church, has on the part of the Government been obtained by your petitioners.

Your petitioners therefore humbly pray, that your Lordship will grant your Faculty unto them that the said Mural Tablet may be admitted into the said Church, and be placed or erected at the place or space aforesaid, we hereby promising that the erection of the same shall not be done to the injury of the fabric of the Church, the hindrance of Divine worship, or to the injury or displacing of any Monument or Tablet already contained in the said Church, your petitioners promising to pay the expences of erecting the same, and of obtaining this Faculty, together with all fees thereon.

And your petitioners, &c.

(Signed,) A. B.

C. D.

Faculty for a Mural —— by Divine permission Bishop of —— To all to whom these presents shall come greeting: Whereas a petition hath lately been presented unto us by —— in the Archdeaconry of —— in our Diocese and by other parties whose names are hereunto subscribed, praying that we would grant unto them our Faculty under our Episcopal seal to admit and erect a Mural Monument at the —— (here describe the place) in —— at —— in the Archdeaconry aforesaid, to the memory of —— late of —— deceased, And whereas the said petitioners have submitted to us a copy of the intended epitaph which contains nothing inappropriate to be admitted within a building dedicated to the service of Almighty God, And whereas the said petitioners have also certified unto us, that they have obtained the consent of the Reverend —— Minister and Chaplain of the

said Church of —— at —— aforesaid on the part of the Government, to the prayer of such petition. Now therefore know ye, that we have given and granted, and do by these presents for ourselves and our successors, Bishops of —— give and grant unto the said —— and others whose names are subscribed as aforesaid, our licence and authority to admit and erect the said Mural Monument or Tablet within the Church aforesaid at the —— on the south side thereof. Provided the expenses thereof be defrayed by and at the expense of the said parties, as well as the expense of these presents, and provided always that the said Tablet and the placing thereof be not done to the hindrance of the celebration of divine service, or to the removal, displacing or injury of any Monument or Tablet already erected in the said Church, or to the detriment or injury of any part or portion of the walls of the interior of the said Church. Given under our Episcopal seal of Calcutta, this — day of — in the year of our Lord one thousand eight hundred and — and in the — year of our consecration.

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*To the Right Reverend —— Lord Bishop of ——.*

The humble petition of —— in the Archdeaconry of ——.

Sheweth,

That your petitioner is anxious to build and erect a Family Vault and Monument within the burial ground belonging to the Church and station of —— in the Archdeaconry and Diocese of ——.

That the ground required for the same will not exceed in length — feet, and in breadth — feet, and that the Monument to be raised over the Vault will not exceed in height — feet, nor in length — feet, and breadth — feet.

That your petitioner promises to pay the expenses of erecting the same, and of obtaining this Faculty together with all fees thereon, and that in the erection of the said Vault and Monument, no work shall be done thereon on the Lord's day, nor so as in any manner to hinder the due performance of divine service in the said Burial-ground, and that in the making and erecting thereof the same shall not be done to the disturbance of any other grave or graves, or to the removal, displacing or injury of any monument, grave stone or tablet already contained in the said Burying-ground, or to the detriment or injury of any part or portion of the said Burial-ground, or the pathways, drains and walls thereof.

That the consent of the Reverend —— Minister and Chaplain of the said Church, to the erection of the said Vault and Monument in the said Burial-ground, on the part of the Government, has been obtained by your petitioner.

Your petitioner therefore humbly prays, that your Lordship as the Ordinary, will grant your Faculty unto him for permitting him to build and erect the said Vault and Monument in the Burial-ground aforesaid.

And your petitioner will ever pray, &c.

Faculty for a Vault  
in a Church yard

— by Divine permission Bishop of — to all to whom these presents shall come, greeting: Whereas a petition hath lately been made to us by — praying that we would grant unto him our Faculty for building and erecting a Family Vault and Monument within the Burial-ground belonging to the Church and station of — in the Archdeaconry and Diocese of — And whereas we have been certified of the consent of the Reverend — the Minister and Chaplain of the said Church and station on the part of the Government to the petition of the said — Now therefore know ye, that we have given and granted, and by these presents do for ourselves and our successors Bishops of — give and grant unto the said — our Faculty, licence and authority to build and erect the said Vault and Monument in the Burial-ground belonging to the said Church and station of — in the Archdeaconry of — aforesaid, provided the ground required for the same does not exceed in length — feet, and in breadth — feet, and that such Monument does not exceed in height — feet, in breadth — feet and in length — feet. Provided further that the expenses thereof and all charges and fees, including the charges of these presents, be defrayed by the said — and that in the erection of the said Vault no work is done thereon on the Lord's day, nor so as to be to the hindrance of the due performance of divine service in the said Burial-ground, and provided also, that the making and erecting thereof be not done to the disturbance of any other grave or graves, or to the removal, displacing or injury of any monument, gravestone or tablet already contained in the said Burying-ground, or to the detriment or injury of any part or portion of the Burial-ground, or the pathways, drains and walls thereof. Given under our Episcopal seal of Calcutta, this — day of — in the year of our Lord one thousand eight hundred and —, and in the — year of our consecration.

## CHAPTER VIII.

### VISITATIONS IN THE DIOCESES IN THE EAST INDIES.

#### SECTION I.

##### *Extracts from the Letters Patent.*

###### *Concerning the Bishop of Calcutta.*

By the Letters Patent of the 2d May 1814,\* full power is granted “to the Bishop of Calcutta and his successors, by “himself and themselves, or by his or their Commissary or “Commissaries by him or them to be thereunto specially “authorized, *to visit* all Ministers and Chaplains, and all “Priests and Deacons in Holy Orders of the United Church “of England and Ireland, resident in the said Diocese of Cal-“cutta, with all and all manner of jurisdiction, power and “coercion ecclesiastical that may be requisite in the premises, “as also to call before him or them, or before his or their “Commissary or Commissaries at such competent days, hours “and places whatsoever, when and so often as to him or “them shall seem meet and convenient, the aforesaid Minis-“ters, Chaplains, Priests or Deacons in Holy Orders of “the United Church of England and Ireland, or any of “them, and to enquire by witnesses to be sworn in due form “of law, and by all other lawful ways and means by which “the same may be best and most effectually done, as well “concerning their morals as their behaviour in their said “offices and stations respectively.”

And by the Letters Patent of the 13th day of June 1835,† and 1st day of October 1837,‡ the Bishop of Calcutta is authorized and empowered, as the Metropolitan Bishop in India to *visit* once in every five years, or oftener if occasion require, as well the Bishops of the Sees and Dioceses of Madras and Boubay, as all the Clergy thereof, for “correcting “and supplying the defects of those Bishops with all and all “manner of visitatorial and appellate jurisdiction, power

“and coercion,” and to inhibit during such visitations, the Bishops aforesaid, the exercise of their ordinary jurisdiction, and as shall seem expedient.

The Bishop of Calcutta, as such Metropolitan, is also empowered by himself or his Commissary, to exercise during such visitations, such functions as the Bishops of those Dioceses might have done, if they had not been so inhibited.

*Concerning the Bishop of Madras.*

By the Letters Patent of the 13th of June 1835,\* the same powers to visit in the Diocese as those contained in the above Letters Patent of the 2nd of May 1814, granted to the Bishop of Calcutta, are given to the Bishop of Madras.

*Concerning the Bishop of Bombay.*

By the Letters Patent of the 1st of October 1837,† the like powers to visit in the Diocese, are conferred on the Bishop of Bombay.

And as concerning the several Bishops of the above Dioceses, with reference to their Visitations, it is, by the 4 Geo. iv c. 71, Sec. 5,‡ and 3, and 4 Will. iv c. 85, Sec. 100,§ enacted, amongst other things, that the expenses of the visitations to be made by the Bishops of Calcutta, Madras and Bombay “from time to time, shall “be defrayed by the said Company out of the Revenue of “the British territories in India; provided always that no “greater sum on account of such visitations be at any time “issued than shall from time to time, be defined and settled “by the Court of Directors of the said Company, with the “approbation of the Commissioners for the affairs of India.”

## SECTION 2.

### OF EPISCOPAL VISITATIONS IN GENERAL.

We proceed in this place, to notice what is observed as to Episcopal visitations in general, and such particulars as may be thought applicable to these Dioceses.

It is laid down, that for the government of the Church, and the correction of offences, visitations of parishes, and Dioceses, were instituted in the ancient Church; that so all

\* Page xxxvii.    † Page lv. ante.    ‡ Page iv.    § Page vii.

possible care might be taken to have good order kept in all places.—*God. Append. 7.*

It is thus further laid down by a constitution of Otho. Archbishops and Bishops shall go about their Dioceses at fit seasons, correcting and reforming the Churches, and consecrating and sowing the word of life in the Lord's field.—*Ath. 56.*

In the Bishop's triennial, as also in visitations Regal and Metropolitan, all inferior jurisdictions respectively are inhibited from exercising jurisdiction during such visitation.—*Burn's Ecclesiastical Law, vol. iv, page 24.*

But it is mentioned that it is not unusual, especially in Metropolitical Visitations, to indulge the Bishops and inferior Courts, in whole, or in part in the exercise of jurisdiction, pending the visitation.—*Idem.*

And regularly, the order to be observed therein is this: In a Diocesan Visitation, the Bishop is first to visit his Cathedral Church, afterwards the Diocese.

By Canon 60. For the office of Confirmation, it is enjoined, that the Bishop shall perform that office in his Visitation, every third year; and if that year by reason of some infirmity he be not able personally to visit, then he shall not omit the same, the next year after, as he may conveniently.

And Dr. Ayliffe observes, from the sixth book of the Decretals, that amongst the orders to be observed by Archbishops, Bishops, and others in their Visitations, the first is, that they ought to preach the word of God, by giving the congregation a sermon.—*Ayl. par. 515.*

Canon 137. Forasmuch as a chief and principal cause Clergy to exhibit letters, &c. orders, been-  
ees, &c. of visitation is, that the Bishop, Archdeacon, or others assigned to visit, may get some knowledge of the state, sufficiency, and ability, of the Clergy and other persons whom they are to visit, we think it convenient that every Parson, Vicar, Curate, or other person licenced, do, at the Bishop's first visitation, or at the next Visitation after his admission, shew and exhibit unto him his letters of orders, institution, and induction, and all other his dispensations, licences, or faculties whatsoever, to be by the said Bishop, either allowed or otherwise.

And concerning presentments, as to any public excess in any of the Clergy, the same are to be made at visitations, and the reader is referred on this subject, to *Burn's Ecclesiastical Law*, vol. iv, page 28, last edit.

And it is laid down that the Bishops may institute enquiries on such presentments with a view to ulterior proceedings.—*Idem, page 20.*

### SECTION 3.

#### EPISCOPAL VISITATIONS AS OBSERVED HITHERTO, TO BE MADE BY THE BISHOPS IN THE EAST INDIES.

Episcopal visitations in these Dioceses have been made triennially, but in jurisdictions so extensive in circuit, the respective Bishops are governed as to the times for performing the same, according to the seasons, in this climate.

The primary visitation of the three Dioceses of the present Metropolitan, in 1843, has been the only one of that kind, under the alterations of the 3d and 4th Will. iv.\*

Government allows to each Bishop, under the Statute 4th Geo. iv c. 71,† one thousand rupees monthly extra, while on Visitation, and provides them with tents and clashies, when they travel by land. If the Bishops proceed by Sea, to any part of their Dioceses, the Government then either assigns them one of the public cruisers, or supplies a vessel to take them.

The estimated expenses of the Metropolitan in making a Visitation of the other Dioceses within his jurisdiction, and the grounds of making such Visitation are to be submitted, in the first instance, to the Supreme Government.‡

When either of the Bishops have fixed upon the time for holding the ordinary Triennial Visitation of his Diocese, he issues his mandate directed to his Archdeacon to cite the Clergy to attend at the Cathedral on the day and at the time appointed. This mandate usually inhibits the Archdeacons from the exercise of their office and jurisdiction, during such time as the Bishop is holding his Visitation. When the Visitation is over, the inhibition is relaxed.

\* Page vii, ante. † Page v., ante. ‡ Letter of the Court of Directors,

On the recent Visitation by the present Metropolitan of the Dioceses of Madras and Bombay, mandates were directed to each of the Suffragan Bishops, but these were thought to be uncalled for, accompanied as they were by the usual inhibition.

The Bishop first visits at the Cathedral, and afterwards proceeds through his Diocese.

Articles of enquiry are in general drawn up and circulated by the Bishop amongst the Clergy, (particularly if it is a Primary Visitation,) with the view to gain information as to the actual state and wants of the Diocese over which he presides.

The following articles of enquiry were circulated by Bishop Middleton, and are here added as being valuable in a practical sense, as well as his letter transmitting them.

(CIRCULAR.)

*To the Revd. —————*

*Chaplain and Minister at —————*

MY REVEREND BROTHER,

Desiring to gain information of the state of my diocese in every particular, which affects the interests of Christianity, and the functions of my Clergy, I have, conformably with an ancient and salutary usage, directed that the subjoined articles of inquiry should be circulated at my primary Visitation : and I have entire reliance on your readiness to return to my several interrogatories as distinct answers, as your knowledge will enable you to supply. And considering that accuracy is of the highest importance to the objects in view, I do not wish that your answers should be hastily put down, but only that you will transmit them, within a month from the receipt hereof, or (in case of your not having reached your station,) within two months from your arrival, under cover to —————.

I heartily commend yourself and your labours to the blessing of Almighty God ; and I am,

Reverend Sir,

Your affectionate Friend and Brother,

T. F. CALCUTTA.

Dated at —————

*Articles of Inquiry, &c.*

1. How long have you officiated at —————.
2. Is there a Church or Chapel or other building at ————— appropriated to Divine Service according to the Rubric of the Church of England ? And is it either consecrated or licensed ?

3. What are the dimensions of such place of worship? And if it be a Church or Chapel, has it a Steeple or Cupola with Clock or Bells, and has it a Font? Or, if it be only a room for temporary use, has it a Reading Desk, a Pulpit, and a Communion Table, with a large Bible, and the Book of Common Prayer?

4. What Communion-plate have you at —? Is a Surplice provided for the Chaplain? and do you wear the hood of your degree?

5. Is any provision made for the repairs of your Church or other place of worship? and at whose expence, and when was it built?

6. Have you Churchwardens, and Trustees for your Church, or any thing resembling a Vestry?

7. Are there any funds or revenues for charitable purposes at —? And by whom are they applied?

8. How often is Divine Service performed at — on the Lord's Day, and at what hour of day?

9. What Festivals and Fasts of the Church are kept holy?

10. How often is the Sacrament of the Lord's Supper administered? What is the ordinary number of Communicants? And what is done with the Sacramental Collections?

11. When are the Sick visited? And do they frequently desire to receive the Sacrament?

12. At what times are Christian Children instructed in the Church Catechism?

13. Is Psalm singing used at —, with or without instrumental music, in the time of Divine Service?

14. Have you a person to act as Clerk, and another as Sexton? and by whom appointed?

15. Are proper books for registers provided? By whom, and where are they kept? And to whom, and how often is a copy of the entries sent?

16. Upon an average of the time, during which you have officiated at —, what is the annual number of Baptisms, Marriages, and Burials? Or the actual number, if the time be less than a year?

17. If you have a Church or Chapel, are Marriages ever solemnized in any other place? And wherever they are solemnized do you observe Canonical hours?

18. Have you a Burial-ground at — set apart exclusively for the purpose? And has it been consecrated?

19. What Military or other Christian Schools are there at —? And who superintend them? And if there be a Military School, is it or not conducted on the system of Dr. Bell?

20. Do any Natives attend such Schools, and do any of them receive Christian instruction?

21. How many of the European Military are usually stationed at —? And what number of Europeans are resident there, exclusive of the Military and their families?

22. What places of Christian Worship of denomination, besides that in which you officiate, are there at —, or in its immediate vicinity?

23. Have you any remarks to offer, not immediately referring to any of these questions, but yet of importance in the general view, in which they are proposed?

These, or similar articles, have been generally circulated either immediately before or at the time of visitation.\*

\* The present Metropolitan's articles of enquiry for his own Diocese are also here given as being of more recent date.

*Articles of Inquiry at the Primary Visitation of the Right Reverend Daniel, Lord Bishop of Calcutta.*

1. What are the limits of your Station, as Chaplain, and where do they touch on the limits of the adjoining station or stations, and what is the Population, Christian, Heathen and Mahomedan ?

2. Is there a Church or Chapel or other building at — appropriated to Divine Service according to the Rubric of the Church of England, is it either consecrated or licensed ; and is it fitted up suitably for the purpose of Public Worship ?

3. If you have no Church or Chapel, what funds could probably be raised at — towards the erection of one, if help could be obtained from Government and the Church Building Fund ?

4. Have you Church-wardens and Trustees for your Church, or any thing resembling a Vestry ?

5. Are there any Funds or Revenues for charitable purposes at — and by whom are they applied ?

6. How often is Divine Service performed at — on the Lord's day ? and at what hours of the day ?

7. What Festivals and Fasts of the Church are kept holy ?

8. How often is the Sacrament of the Lord's Supper administered ? What is the ordinary number of Communicants ? What the average amount of the Sacramental Collections, and by whom, when, and how are they distributed ?

9. What is the ordinary number of your congregation, distinguishing the Military and Civil parts of the audience ?

10. When are the Sick visited ? When the Hospitals ? If you have any ?

11. At what times are Christian Children instructed in the Church Catechism ?

12. Are the Registers duly made at the time of performing sacred offices, and by yourself, or under your own eye ?

13. If your station is strictly a Military one, is your concurrence duly obtained before the usual changes take place in the time of the Divine Service, and do you give due notice to the Commanding Officer when about to leave Cantonment for ever so short a time ?

14. Upon an average of the time you have officiated at — what is the annual number of Baptisms, Marriages, and Burials ? or the actual number, if the time be less than a year ?

15. Are the Banns duly published, or an Episcopal license duly obtained before the solemnization of Marriage by you, and to what distances have you been called to celebrate Marriage ?

16. Have any irregular Marriages so far as you have heard, been solemnized or pretended to be solemnized by persons not in Holy Orders. By whom, and on what grounds ?

17. Have you a Burial Ground at — set apart exclusively for the purpose ; and has it been consecrated ?

18. What Military or other Christian Schools are there at — and do you regularly visit and superintend them ?

19. What Schools are there for the Natives at — at what place are they conducted, and by whom supported, and what is the number of children attending ?

20. How many European Military Servants are usually stationed at — and how many Civil Servants ? What is their estimated number with their families ?

Under the authority of the Bishop's Mandate, the Archdeacon directs the Registrar to make out official lists of the names of the Clergy, and of the stations to which they stand licensed, which lists should contain the academical degree belonging to each, and be signed by the Archdeacon. *See Forms, Section 5, herein.*

*Archdeacon's citation.*

The Archdeacon then issues his citation, which is directed to the Clergy generally to attend at the visitation. *See also Forms, in the same Section.* A copy of this citation is served by the Apparitor personally on such of the Clergy as are in the vicinity, and a copy thereof is transmitted by him, by dawk to the rest, who reside beyond the distance of fifty miles.

Public notice of the visitation is likewise inserted in the official Gazette by the Registrar. *See also Forms, Section 5.*

The Clergy who are within the above distance are expected to be personally present. The Bishops have considered the Clergy as exempted from attending who reside beyond that distance, or further than one or two days' journey from the Cathedral.

21. What number of professed Christians are resident at —— exclusive of the Military and Civil persons with their families ?
22. What places of Christian Worship besides that at which you officiate are there at —— or in its immediate vicinity ?
23. What out-stations do you visit, how often, at what season of the year ? At what distance, for how long, and what time do they occupy ?
24. What is the number of the Christian population at each out-station, and what the average amount of the Congregation and of the Communicants ?
25. What other stations are there within the circuit around your principal one which are not visited by any Chaplain, and what is the amount of the Christian population at each ?
26. Are there any Schools at your out-stations, or at the other stations which you do not visit, and of what kind are those Schools ?
27. Are there any deviations during any part of the year from the exact Rubrical and Canonical method of celebrating Public Worship and administering the Sacraments as practised in England ?
28. What is the advance or otherwise of the families in each station and out-station under your care in the habits of Christian piety ? In the sanctification of the Lord's day, the attendance on Divine Service, and the Holy Table, Family Devotion, the religious care of Schools ; in a word, what is the growth and progress or otherwise of individuals or households in Christian grace and obedience ?
29. What alterations, if any, would you suggest for the better arrangement of the Clerical duties in your station and out-stations so as to afford to all the Christian population adequate means of religious education and Divine Worship ?
30. What is the state of Christian Missions within your station and out-stations, what the prospect of usefulness, what the new opening for Schools, what the aspect of the public mind, what the main objections against Christianity, what the spirit of candor and enquiry or otherwise which is prevalent ?
31. Have you any remarks to offer not referring precisely to any of these questions, but yet of importance to the general view of the state of the Diocese ?

Such of the Clergy as attend personally, exhibit their letters of orders, licences, and other papers relating to their appointments: and give such accounts concerning the state and condition of their respective Churches and Stations, and of their respective proceedings, as may be personally required of them.

Those beyond the distance mentioned, authorize in writing, the Archdeacon to give in the following particulars in their behalf, namely, the dates of their letters of orders; by whom ordained; the dates of their licences; by whom licensed; and answer, through the Archdeacon, such enquiries as may have been made, or as affect the interests of Christianity, within their districts, and report generally on all matters desirable to be presented, for the information of the Bishop; and particularly the number of persons requiring Confirmation at their respective stations.

#### SECTION 4.

##### **THE FORM OF HOLDING THE BISHOP'S VISITATION AT HIS CATHEDRAL.**

On the day appointed, morning service is performed. The Clergy cited, appear in their gowns. The sermon is preached by one of the Clergy appointed specially by the Bishop to preach on the occasion; after the sermon and service being ended, the Bishop proceeds within the rails of the Communion Table, where he takes his seat, accompanied by his Commissary and Chaplain.

The Bishop being seated in his chair, the mandate to the Archdeacon, together with the return thereto, is openly read by the Registrar.

Proclamation is then made in the body of the Church to the following effect by the Apparitor:—

“The several Ministers and Chaplains of the Archdeaconry of ——  
“and all persons in Holy Orders cited to appear this day, at the (pri-  
“mary or triennial) visitation of the Right Reverend —— Lord Bishop  
“of —— are now requested to draw near and answer to their names.”

The Registrar, whose place is near the Bishop, then calls over the list of the Clergy, who, as called, answer to their names, and the Registrar marks off those who per-

Clergy to exhibit letters of orders.

sonally appear. He then calls over the Archdeacon's list of the licensed Clergy who officiate beyond the distance of fifty miles, and are exempted by the Bishop from attending. This being done, and silence being proclaimed by the Apparitor, the Bishop delivers his charge; this being ended, the Bishop with his Commissary and Chaplain and the Registrar proceed to the room assigned for the occasion within the Cathedral, where the Clergy in succession are called in and produce their letters of orders, licences, and so forth, and answer personally such enquiries as may be made of them by the Bishop.

The Bishop also receives all public presentments either from ecclesiastical officers or others of the laity concerning the conduct of the Clergy, or relating to their Churches or Stations.

All official books of the Registry, any returns, and the like, are also exhibited for the Bishop's examination and inspection, and any irregularities or defects in them are pointed out for correction. The Registrar marks and signs his initials to all exhibits thus made. When this business is over, the Visitation at the Cathedral ends.

Presentments in general may be in the following form:—

To the Right Reverend —— Lord Bishop of ——, we the undersigned being communicants and members of the Church of England and the Minister and Trustees of the Church of —— at the station and district of —— in the Archdeaconry and Diocese of —— do humbly and publicly present at this the primary [or "triennial"] visitation of your Lordship that [*here state the particulars.*]

That the above being a matter of public concern as regards the interest of the Church, we have thus humbly and publicly made this presentment of the same to your Lordship, in order that such enquiry may be made by you, and such further proceedings taken, as may appear to your Lordship to be proper.

(Signed)	<i>A. B.</i>
<i>Minister or Chaplain of ——.</i>	
	<i>C. D.</i>
	<i>Lay Trustee ——.</i>

Such presentments are ordered to be recorded, and the Bishop either proceeds to make such enquiry into them at the moment, or defers the same, or otherwise, as the nature of the case requires.

For any judicial proceedings against any of the Clergy, concerning their conduct as Ministers, the reader is referred to the next chapter, and the Church discipline act, as quoted in the sixth chapter herein, page 160.

## SECTION 5.

### FORMS.

Notice is hereby given, that the Lord Bishop of —— will commence his primary visitation of his Diocese on —— the —— day of —— next in the —— and afterwards proceed, about the end of that month, to visit and confirm at all the principal stations or districts, throughout the Archdeaconry of —— : the other Archdeaconries and parts of the Diocese will be visited by his Lordship at a subsequent date, of which previous notice will be given.

No. 1.  
Registrar's notice for  
the Gazette.

In the mean time, it is requested that the Ministers and Chaplains at the distant stations and districts within the above Archdeaconry, will prepare and examine those who are candidates for confirmation.

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*A. B. Registrar.*

P. S. — On the day above-mentioned, divine service will commence at —— at ten o'clock.

The Sermon will be preached by the Reverend —— by appointment.

Such of the licensed Ministers and Chaplains as reside within a convenient distance of Calcutta, and receive a citation to attend at the visitation, will be expected to produce their Letters of Orders, unless exhibited at the last visitation.

— by divine permission Lord Bishop of —— to our well-beloved No. 2.  
Archdeacon of the Archdeaconry of —— within our diocese and Mandate to cite.  
jurisdiction, and our Commissary duly appointed, greeting: Whercas it  
is our purpose, with the blessing of God, to commence our —— visi-  
tation of the diocese of —— in the Cathedral [or Church] of ——  
on —— the —— day of —— next, at the hour of —— in the  
morning. We do therefore hereby require and strictly enjoin you  
peremptorily to cite, or cause to be cited, at the same, all and sin-  
gular the Ministers and Chaplains, and all Priests and Deacons in Holy  
Orders of the United Church of England and Ireland, within your  
Archdeaconry, especially those who shall be within fifty miles from ——  
aforesaid, to appear personally before us at our said —— on the day  
and hour aforesaid; and then and there to produce their Letters of  
Orders of Priest and Deacon, with all licenses and other faculties relat-  
ing to their official appointment, to be by them exhibited, and to  
hear and receive all such matters and things as may be delivered  
in charge. And further, we do by these presents expressly inhibit,  
and restrain you from the exercise of all ecclesiastical jurisdiction and  
authority, by right and usage appertaining to your office of Archdeacon

of — during such our visitation: and whatsoever you shall do or cause to be done in the premises you shall duly certify unto us, together with these presents. Given under our hand and episcopal seal this — day of — in the year of our Lord — and in the — year of our Consecration.

No. 3.  
Archdeacon's citation  
thereon.

— Archdeacon of — and Commissary, duly appointed. To — and all and singular the Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland, stationed and now being within the Archdeaconry of — aforesaid, greeting.

Whereas by a mandate under the hand and seal of the Right Reverend Father in God — by Divine permission Lord Bishop of — bearing date the — day of — signifying his Lordship's purpose to commence his — visitation of his diocese, in the — on — the — day of — at the hour of — in the morning, I am required and strictly enjoined as the Archdeacon of — and Commissary aforesaid, peremptorily to cite or cause to be cited, at the same, all and singular the Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland, within my Archdeaconry aforesaid, especially those who shall be within the distance of fifty miles from — aforesaid, to appear before the said Lord Bishop, at the said — on the day and at the hour aforesaid, and then and there to produce their Letters of Orders of Priest and Deacon, with all licences and other faculties relating to their official appointment, to be by them exhibited, and to hear and receive all such matters and things as shall be delivered in charge; I therefore do in obedience thereto, by these presents, require and strictly enjoin you the said — as one of the Ministers and Chaplains, and Priests or Deacons in Holy Orders as aforesaid, if you shall be on the receipt or service hereof within the distance aforesaid, to appear before the said Lord Bishop, at the said — on — the said — at the hour of — in the morning, and then and there to produce your Letters of Orders of Priest and Deacon, with all licenses and other faculties relative to your official appointment, to be by you exhibited, and to hear and receive all such matters and things as may be delivered in charge.

Given under my hand, this — day of — in the year of our Lord —.

Archdeacon.

Witness.

No. 4.  
Archdeacon's notice  
published in the Gazette.

In obedience to a mandate under the hand and seal of the Right Reverend Father in God — by Divine permission Bishop of — bearing date the — day of — I the Reverend — Archdeacon of the Archdeaconry of — and Commissary duly appointed, do hereby cite all and singular the Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland, being within

the Archdeaconry of — or on the receipt or service of my citation within fifty miles from — aforesaid, to appear before the said Lord Bishop at his — visitation, to be held at the — Church of — on — the — day of — next at the hour of — in the morning, and then and there to produce their Letters of Orders of Priest and Deacon, with all licenses and other faculties relative to their official appointment to be by them exhibited, and to hear and receive all such matters and things as may be delivered in charge. Witness my hand this — day of — in the year of our Lord —.

A. B.

Archdeacon and Commissary.

—by Divine permission Bishop of —, to our beloved in Christ, greeting: Whereas we did intend, God willing, to have visited the — of — in our said diocese of —, on — the — and the Clergy of the same, and what offences should be found on our said visitation to correct and reform, and whereas we are by urgent causes impeded and prevented from making our said visitation, in person. We do therefore by these presents commit, give and grant unto you, in whose circumspection, integrity, and prudence we greatly confide, full power and authority for us and in our name to make and hold our said visitation, and to correct and reform all such offences as shall be found therein, and to admonish and censure all and every person and persons — shall be found delinquent on our said visitation, and to proceed in, and act, do, and perform all and every other act, matter or thing, in or concerning our said — visitation, in as full, ample and effectual manner and form as we ourselves could or might do if personally present; and we do hereby constitute, make and appoint you the said — our Commissary, Commissioner and Deputy for the purposes aforesaid, hereby giving and granting unto you our absolute power and authority in the premises, and every of them. Given under our hand and seal, this — day of —.

No 5.

Commission to hold  
visitation.

## CHAPTER IX.

### OF THE COURTS OF THE BISHOPS IN THE EAST INDIES.

#### SECTION I.

##### OF CONSISTORY COURTS IN GENERAL.

Previously to introducing such parts of the Letters Patent as are thought to have reference to this subject, it would be noticed that the term *consistory* (*consistorium*), signifies as much as *praetorium*, or tribunal, and is described as the court christian, or spiritual court of a diocese, which court was formerly held in the Cathedral Church, in which the Bishop presided, or his Commissary, and had assessors, and other assistants, and is now held by the Bishop's Commissary, Archdeacons, and other officials, in the Cathedral Church, or other convenient place of the Diocese.—*Ken. Par. Ant. Gloss. God. 83, 4th Inst. 338, and Burn, Vol. 2, page 11.*

Consistory Court is the Court Christian or Spiritual Court of a Diocese.

Every Bishop hath his Consistory Court. It is laid down, that every Bishop hath his consistory court to hear Ecclesiastical causes.—*4th Inst. 338, Co. Rit. 96, Rob. Ab. 230.*

And in right of his office is *Judex ordinarius* within his Diocese.

And again, that every Bishop, by his election and confirmation, even before consecration, hath Ecclesiastical jurisdiction annexed to his office, as *Judex Ordinarius*, within his Diocese.—*Hale's Hist. of the Com. 2, 30.*

Bishops hold their Courts in their Cathedrals.

Again, Bishops in respect of their ordinary jurisdiction hold their courts in their Cathedrals, over which their Chancellors do, or should preside, and in remoter places of their jurisdiction, their Commissaries.—*Law's Forms of Ecclesiastical Law.*

Of what matters cognizant.

The Diocesan courts take cognizance of all matters arising locally within these respective limits, with the exception of places subject to peculiar jurisdiction. They may decide all matters of spiritual discipline. They may suspend or deprive clergymen.—*See Burn's Ecclesiastical Law, Vol. 2, page 30.*

From these courts an appeal lies to the Court of the Metropolitan,<sup>Appell.</sup> or Archiepiscopal, Court of Canterbury, commonly called the Arches' Court, which exercises the appellate jurisdiction from each of the Diocesan Courts within the province.

Of the principal officers of these Courts, two only, namely, <sup>Officers of Ecclesiastical Courts.</sup> the Commissary and Registrar we need notice, and as to these we would give merely what is thought to be applicable.

As to the office of Commissary, it is mentioned, that the <sup>of the Commissary.</sup> term *Commissary* is a title of jurisdiction, appertaining to him that exerciseth Ecclesiastical jurisdiction in places of the Diocese, so far distant from the chief city, that the Chancellor cannot call the people to the Bishop's principal Consistory Court, without great trouble to them. This Commissary is called by the canonists "*Commissarius*," or "*Officialis foraneus*," and is ordained to this special end, that he should supply the office and jurisdiction of the Bishop, in the out-places of the Diocese, or in such places as are peculiar to the Bishop.—*Terms of the Law, 4th Inst.* 338; and again, a Commissary is he that is limited by the Bishop to some certain place of the Diocese, to assist him, and in most cases, hath the authority of Official Principal and Vicar General, within his limits.—*Terms of the Law, Tit. Commissary, 4th Inst.* 338.

The proper work of an Official is, to hear causes between party and party of temporal cognizance. The proper work of a Vicar General is, the exercise and administration of jurisdiction purely spiritual, by the authority and under the direction of the Bishop, as visitation, correction of manners, granting institutions, and the like, with a general inspection of men and things, in order to the preserving of discipline and good government in the Church.—*Gibs. Introd. 22, Gibson's Tracts*, 188.

By Canon 127, no man shall be admitted a Commissary, or Official, to exercise any Ecclesiastical jurisdiction, except he be of the full *age of six and twenty years*, at the least, and one that is *learned in the Civil and Ecclesiastical laws*, and is at least a *Master of Arts*, or *Bachelor of Laws*; and is reasonably well practised in the course thereof, as likewise well affected, and zealously bent to *religion*, touching whose life and *manners* no evil example is had; and except before

he enter into, or execute, such Office, he shall take *the oath of the King's supremacy*, in the presence of the Bishop, or in the open Court, and shall *subscribe to the Thirty-nine Articles*, and shall also *swear that he will, to the utmost of his understanding, deal uprightly and justly in his office, without respect of favor or reward*; the said oaths and subscriptions to be recorded by a *Registrar* then present.

Of the Registrar.

Of the office of Registrar, it is laid down, that a Registrar ought always to be a Notary. And a Notary is described as antiently a Scribe that only took notes or minutes, and made short draughts of writings and other instruments both public and private. But at this day, we call him a Notary Public, who confirms and attests the truth of any deeds or writings in order to render the same authentic.—*Ayl. 382*;

*Burn, vol. 3, page 1.*

A Notary by the Law Books.

The law books give to a Notary several names, or appellations, as “*Actuarius*,” “*Registrarius*,” and several other titles now obsolete; all which are put to signify one and the same person; but the word *Registrarius* is confined to the officer of some Court, who has the custody of the records and archives of such Court, and is oftentimes distinguished from the Actuary thereof; but a Registrar ought always to be a Notary Public, for that seems to be a necessary qualification of his office.—*Ibid.*

A Registrar ought always to be a Notary Public.

Is a public person, all acts and instruments by him are evidence.

As a Notary is a public person, so, consequently, all instruments made by him are called public instruments; and a judicial register of record made by him is evidence in every Court, according to the civil and canon law. And a Bishop's register establishes a perpetual proof and evidence, when it is found in the Bishop's archives; and credit is given not only to the original, but even to an authentic copy exemplified.—*Ayl. Par. 386.*

And one Notary Public is sufficient for the exemplification of any act, no matter, requiring more than one Notary to attest it.

His testimony by the Canon Law.

And the rule of the canon law is, that one Notary is equal to the testimony of two witnesses.—*Gibs. 996*; *Burn, vol. 3, page 3.*

By Canon no person exercising ecclesiastical jurisdiction, to speed any act without the Ordinary, Registrar or public person.

By *Can. 123*, no Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction, shall speed any judicial act either of contentious or voluntary jurisdiction,

(except he have the ordinary Registrar of that Court or his lawful deputy ; or if he or they will not or cannot be present, then such persons as by law are allowed in that behalf to write or speed the same,) under pain of suspension *ipso facto*.

And this is according to the rule of the ancient canon law, which, to prevent falsification, requireth the act to be written by some public person, (if he may be had,) or else by two other credible persons ; and the credit which the canon law gives to a Notary Public, is, that his testimony shall be equal to that of two witnesses.—*Gibs.* 996, *Burn*, vol. 3, page 285.

By the 41 Geo. III, Cap. 79, a person must serve seven years to a Notary Public, and be sworn to qualify him to practice in England. It has been and is usual however for the Archbishop of Canterbury to grant Notarial faculties to persons abroad, or in the Colonies, without requiring the qualifications necessary under that act ; provided they are at first duly sworn for that purpose.

It is laid down that Archbishops, Bishops, and their Officials, Archdeacons and their Officials, shall have a seal, on which seal shall be engraved their several distinctions ; as the name of their dignity and office : also their proper name, (if it be an office perpetual,) and so it shall be esteemed an authentic seal. But if the office is not perpetual, as that of Officials, then the seal shall have engraved upon it only the name of office ; and at the expiration of their office, they shall immediately and without difficulty resign it to those from whom they received the office.—*Otho. Athon.* 67.

By Canon 124, no Chancellor, Commissary, Archdeacon, Official, or any other exercising Ecclesiastical jurisdiction, shall without the Bishop's consent have any more seals than one, for the sealing of all matters incident to his office ; which seal shall always be kept either by himself, or by his lawful substitute exercising jurisdiction for him, and remaining within the jurisdiction of the said Judge, or in the city or principal town of the country. This seal shall contain the title of that jurisdiction which every of the said Judges or their deputies do execute.

The Ecclesiastical Courts do proceed according to the Manner of proceeding in the Ecclesiastical Courts. Rules of the Civil and Canon law ; the suit is commenced

by libel; the witnesses are privately examined; then there are exceptions and replication; the sentence is published in writing, and from the sentence there lies an appeal from the Bishop to the Archbishop, from the Archdeacon to the Bishop, or immediately to the Archbishop; from the Archbishop, as heretofore to the Pope, so now to the King in Chancery, where delegates are appointed, who judge according to the Civil and Canon law, and revoke or confirm the sentence; and in these judgments given by the course of the Civil law, the Judges of the Common law do acquiesce, and give credit thereunto, and will not examine them over again, unless they think that there is cause for the King's prohibition.—*Duck. 346, Burn's Ecc. Law, Vol. II, page 47e.*

And it is also laid down, that the law and practice of the Ecclesiastical Court, are matters of fact, to be proved by witnesses. *Beaurain, Gent. v. Sir W. Scott.—3 Camb. C. N. p. 388; Acc. Crogate's Rep. 143; Note, 8 edit. Burn,* as above.

Of the causes cognizable.

In regard to the nature of the causes cognizable in such Courts, it is observed, that all criminal causes therein are laid down to be causes of correction, and in these the Judge may proceed from his mere office, and then it becomes a summary cause, or from his office promoted, and then it is plenary.

Articles against offenders.

Any one may promote the office against a spiritual offender, as it is a matter of common concern.

In causes of mere office, if there be no Proctor for the office settled in the Court, the Judge shall appoint one of the Proctors as necessary in such a cause, who upon the offender appearing and proceeding shall give in articles against him, and pray that they be admitted, and that the offender be sworn to answer them the next Court day as assigned.

Answer to articles.

The impugnant should protest against answering any criminous position; but if he does answer the same, it must be accounted and deemed null and void.

Although he is not obliged to answer any criminous position, yet he must answer such as allege the cause to appertain to the ecclesiastical jurisdiction, and the impugnant to be within the jurisdiction of the Court; that the competency

of the Court may appear : and also it is held that he must answer such position as contains the fame and report of the crime.

And if he refuses to swear to answer such articles, he for such contumacy is to be excommunicated.

But if when sworn he will not answer, he is to be declared for having confessed the articles he was to answer.

In cases of voluntary promotion, the voluntary promoter should himself give in articles.

If the impugnant denies the articles, and will not confess, you are to pray a probatory term, which is the space of three Court days as assigned, produce witnesses, and to proceed in general as in other causes. For all which see *Clarke and Oughton, and the Appendix to Cockburn.*

If a person served with a citation shall tear it, and use <sup>Causes of contempt.</sup> reproachful words against the ecclesiastical Judge and his jurisdiction, or beat the mandatory who served it, upon an allegation of these facts made to the Judge, and that they were committed in contempt to ecclesiastical jurisdiction, or rather upon an affidavit of them, the Judge shall decree citation against him.

So also against Commissioners, taking upon them a commission to examine witnesses, and not returning the commission at the time appointed them.

But the Proctor obtaining the commission, and making the allegation that the Commissioners neglect and do not care to return the commission, should pray that his probatory terms be continued.

If the Judge proceeds from his mere office, the Proctor of <sup>Articles containing the contempt.</sup> office (as his necessary promoter) upon the appearance of his party should give in articles containing the matter of his contempt ; and pray that they be admitted.

And then he should produce the party principal present in <sup>Answer of party principal.</sup> Court upon them, who shall be sworn to answer them the next Court day, and to appear then and to exhibit and recognize his answer.

And he should then dissent, and protest against answering any position which he is not obliged to answer by law.

No Proctor or Advocate is allowed to appear for him without leave of the Court ; nor is it usual to grant him a

copy of articles exhibited against him before he be first examined upon them.

Where the office is promoted, the promoter himself should properly give in articles, and upon the answer to them constitute his Proctor as before in criminal cases.

Sentence.

If the contempt be confessed, the Judge may immediately pronounce sentence, or assign a term to hear sentence from the first assignation, as in summary causes, for causes of contempt are held such.

If the contempt be denied, a probatory term is to be prayed, and you must proceed as in other summary causes, nor is there that full proof necessary which other causes require.

For further practical information the reader is referred to *Zouch Descrip. In. et Ind. Eccles. Par. II. et IV.* See *Clarke and Oughton, Cockburn.*

Having stated the foregoing particulars concerning the Episcopal Courts in question, as all introductory and applicable to the subject of this Chapter, we now proceed to give, in the following Section, the extracts from the several Letters Patent, thought to have relation to the Courts to be established in these Dioceses.

## SECTION 2.

*Extracts from the several Letters Patent as are considered to relate to or concern the Ecclesiastical Courts of the Bishops in the East Indies.*

The Letters Patent of the Crown of the 2d May 1814,\* the 13th June 1835,† and the 1st October 1837,‡ severally grant to the Bishops of Calcutta, Madras, and Bombay, and to their respective Commissaries to be by them appointed and duly authorized, “the exercise of all jurisdiction, Spiritual and Ecclesiastical, in and throughout their several Dioceses, according to the Ecclesiastical law of the realm of England, in the causes and matters specified ; with power to punish and correct the Clergy subordinate and subject to them, whether by deprivation, suspension or otherwise.”

\* Page xi, ante.

† Page xxxviii, ante.

‡ Page iv, ante.

The same Letters Patent further declare, that "as to all grave <sup>As to all grave mat-</sup>  
 "matters of correction, which are accustomed, according to  
 "the Ecclesiastical laws of England, to be judicially examined,  
 "the same shall in like manner be judicially examined and  
 "proceeded in before the Bishop or his Commissary in the  
 "Diocese or Archdeaconry in which the party to be proceed-  
 "ed against shall reside. And that all such causes shall  
 "be proceeded in to final sentence in due form of law."

The Letters Patent of the 13th June 1835,\* and 1st October 1837,† appointing the Bishop of Calcutta to be the Metropolitan Bishop in India, grant him the exercise of all Metropolitical jurisdiction over the Sees and Dioceses of Madras and Bombay, as already described in Chapter II. herein, (subject to the general superintendence and revision of the Archbishop of Canterbury in the same manner as that Bishop was already subject to in the exercise of his powers previously vested in him,) and ordain that the Bishops of Madras and Bombay shall be Suffragan to the Bishop of Calcutta.

By the same two last Letters Patent power is given to the Bishop of Calcutta to perform the functions peculiar to the office of Metropolitan within the limits of the Sees of Madras and Bombay, and to exercise Metropolitical jurisdiction over those Bishops, the Archdeacons, and the Clergy within the limits of those two Dioceses.

Power is also given to the Bishop of Calcutta in his Metropolitical, Visitatorial and Appellate jurisdiction to administer oaths. And the Letters Patent last mentioned declare, that "as to all grave matters of correction which are accus- <sup>To administer oaths.</sup>  
 "omed, according to the Ecclesiastical law of England, to be  
 "judicially examined, the same shall in like manner be pro-  
 "ceeded in before the Bishop of Calcutta and his Commissary,  
 "and all such causes shall be proceeded in to final sentence <sup>All grave matters, &c.</sup> <sup>To be proceeded in to final sentence.</sup>  
 "in due form of law."

The several Archdeacons in these Dioceses are also respectively declared to be the Commissaries of the respective Bishops; and power is granted by the same Letters Patent to each Bishop, and his Commissary, to administer all

such oaths as are accustomed to be administered according to the Ecclesiastical law.

**The Registrar.**

The Bishops of Calcutta, Madras and Bombay are also respectively empowered to nominate and appoint a Registrar, to each of the Archdeaconries of Calcutta, Madras, and Bombay.

**A copy of Sentence pronounced to whom to be certified.**

A copy of any sentence pronounced by either of the Bishops, or his Commissary, is without delay to be certified and transmitted to the local Government. Any sentence pronounced by the Bishop of Madras, or the Bishop of Bombay, a copy of the same is also to be transmitted to the Metropolitan Bishop of Calcutta.

**Copy of sentences pronounced to whom to be transmitted.**

Copy of every sentence promulgated or pronounced by the Bishop of Calcutta in the exercise of his Metropolitical, Visitatorial and Appellate jurisdiction, to be certified and transmitted to the Government.

**Proceedings against Bishops of Madras and Bombay to be before the Metropolitan.**

In case of any proceedings against any Bishop of Madras or Bishop of Bombay, the same to originate and be carried on before the Bishop of Calcutta, who is authorised and empowered to take cognizance of the same.

Proceedings instituted against any Archdeacon are to originate and be carried on before the Bishop of the Diocese to whom the Archdeacon is subject.

**Appeals.**

Appeals in the Diocese of Calcutta are to be made to the Commissioners delegate, namely, the Judges of the Supreme Court and Members of Council; any three of whom (one to be a Judge) to have power finally to decide and determine such appeals, and that in any sentence to be given, one of the Judges, at the least, shall concur.

**Registrar to Commissioners Delegate.**

The Registrar of the Archdeaconry of Calcutta is to act as Registrar to the Commissioners delegate.

**Appeals to the Bishop of Calcutta.**

The more recent Letters Patent ordain that, if any person against whom a judgment or decree shall be pronounced by the Bishop of Madras, or by the Bishop of Bombay, or his Commissary, shall consider himself aggrieved by such sentence, it shall be lawful for such person to appeal to the Bishop of Calcutta, provided the same be entered within fifteen days after such sentence shall have been pronounced.

**Power in the Metropolitan to decide such appeals.**

Authority is then granted to the Bishop of Calcutta finally to decide and determine the said appeal in as ample

a manner as any of the Archbishops of England could or might determine appeals from the Courts of the Bishops in the two provinces.

The several Bishops mentioned, are also all empowered to <sup>The Seal.</sup> use a corporate or public seal.

The Supreme Courts to interfere by writ of prohibition or <sup>Supreme Court to interfere by prohibition and mandamus.</sup> *Mandamus*; regard being had to the provisions in the Letters Patent, or to any laws and regulations in the East Indies.

“ But nothing in the respective Letters Patent contained <sup>Nothing to repeal the charters of Justice.</sup> “ are to extend to repeal or alter the several Charters of “ Justice of the said Courts so far as the same did not ap- “ pertain to the correction of clerks, or the spiritual superin- “ tendence of Ecclesiastical persons.

“ Nothing also therein contained to extend to abridge the <sup>Nothing to abridge the powers of the Government.</sup> “ powers of the Governments, as to the residence of any person whatsoever within the territories aforesaid.

“ The Court of Directors, their Governors, Officers, and <sup>The Court of Directors, Governors, Judges &c. to aid.</sup> “ Servants, and the Governors, Judges and Justices of the “ Crown, and the Clergy, are commanded to be aiding and “ assisting the Bishops, in the execution of the premises.”

### SECTION 3.

#### OF THE DIOCESAN COURTS IN INDIA, WITH SOME PARTICULARS AS TO THE CONSISTORY COURT CONVENED BY BISHOP MIDDLETON AT CALCUTTA IN 1819.

The Ecclesiastical Court which the several Prelates in <sup>The Diocesan Courts in India.</sup> India, have been considered authorized, and required to hold, as well by virtue of their office under the law, as from their several Letters Patent, is, the ordinary Diocesan Court, over which the Commissary of the Bishop presides, or if necessary, the Bishop in person.

The style of this Court may be, it is thought, either that <sup>Style of the Courts.</sup> of the “ Consistory Court of the Bishop,” or the “ Court of the Commissary of the Bishop of the Diocese.”

This Court may be held, generally speaking, in the Cathedral, or wherever else convenient, and if necessary, in the remoter places of the Diocese. And under Canon 125, at

such competent days and hours, and when and so often as may be deemed meet and convenient.

**The seal.**

Each of the Bishops is empowered, as has been shewn by the Letters Patent, to have and use a corporate seal, and this they may also possess, it is submitted, under Canon 124.

**Officers.**

The principal Officers of this Court, in these Dioceses, are the Commissary and Registrar.

**The nature of their Offices.**

Concerning the nature of their offices, the same has been already shewn, in the first Section of this Chapter, but the duties of the last officer as discharged in India, may be here more fully laid down in a practical view.

**Duties of the Registrars in the East Indies.**

Respecting then the office and duties of the Registrar, it would be observed, that the attention of Bishop Middleton was first directed, after his arrival in his Diocese in 1814, to the establishment of a permanent Registry in each of the Archdeaconries, to record the public acts to be done in the exercise of his Functions, and passed under the seal. Having obtained the sanction thereto, and promise of the Supreme Government, to support these establishments, he proceeded to appoint the different Registrars of the Archdeaconries (and also of his Court or the Court of his Commissary whenever convened,) pursuant to the authority of his Letters Patent,\* and in conformity as near as could be, to the forms in the English Dioceses.†

\* 2d May, 1814, p. xi.

† The following is the official correspondence between that Bishop and the Supreme Government relative to these offices :—

To H. ST. GEO. TUCKER, Esq. &c. &c. &c.

Sir,

I have to request that you will take an early opportunity of laying the following communication, before His Excellency the Vice President in Council.

The Bishop of Calcutta and his successors are empowered and directed by his Majesty's Letters Patent founding the Bishoprick, "from time to time" to appoint a proper and sufficient person in each "Archdeaconry to act as Registrar thereof," and it is further provided, that "the person appointed to act as Registrar within the Archdeaconry of Calcutta shall act as Registrar of the Commissioners Delegate;"—that I may be enabled to comply with the former of these directions, I beg leave to submit to the Supreme Government, the necessity of making such a provision, as in its wisdom it may see fit, remunerating the service of the three Registrars, whom I may so appoint. In all such arrangements, I could wish that the Ecclesiastical usages at home should be adhered to as far as the difference of circumstances will allow. In England, the Registrars are paid by fees on the several instruments which they are required to prepare and attest and to record, and a principal source of their Emoluments is the Registry of proceedings in the Ecclesiastical Courts. In India the latter of these advantages seems in great mea-

These appointments are held under Patent, which, according to Bishop Middleton's form, is granted to the party conditionally "*quoad se bene gesserit.*"

The several Registrars subscribe, as in the English Dioceses, to the Thirty-nine Articles, and to the First and Third

sure to be anticipated: and the former, I apprehend, will be so small as scarcely to be adequate to any degree of responsibility, which however will be *by* much the greatest in the Archdeaconry of Calcutta, and the least in that of Bombay.

I would further state, that I wish to employ the gentleman whom I have appointed to the Registry of the Archdeaconry of Calcutta, as my Official Secretary; and here also the practice in England is, that the Secretaries of Bishops are paid by fees on letters of orders, presentations and institutions to the livings, licences to preach, and other similar instruments by which the Clergy are the parties benefited, but I would suggest to the Supreme Government a difference of circumstances, as applicable to the Diocese of Calcutta. With the exception of Licenses to preach, upon which a moderate fee may be fitly charged, very few instruments of this kind can pass through the hands of my Secretary; his services will be wanted chiefly in matters of correspondence and inquiry, upon which no charge can be made to the Clergy, and which, however, from the vast extent of my Diocese, and the consequent impracticability of conferring with them personally cannot fail, especially in a new establishment, to be attended with considerable trouble. To compensate such assistance, which appears to be indispensable to the efficiency of my appointment, I do not know that any provision can be made, otherwise than by the Supreme Government; and, in full reliance that his Excellency the Vice President in Council will enter into my views so far as they may be just.

I have, &c.

T. F. CALCUTTA.

CHOWRINGHEE, 30th Decr. 1814.

*To the Right Reverend the Lord Bishop of Calcutta.*

MY LORD,

I have had the honor to lay your Lordship's letter of the 30th ultimo, before the Honorable the Vice President in Council, and I have received his instructions to express to your Lordship, the entire concurrence of this Government in those considerations which render it necessary, that a suitable salary should be annexed to the office of Registrar at the three presidencies, as well as to the situation of Secretary to the Lord Bishop of the Diocese.

2. The Vice President in Council, without losing sight of that attention to economy which it is the duty of this Government to observe on all occasions, is perfectly sensible that the pecuniary remuneration to be granted to these officers should bear just relation to the responsibility of their situations, and it occurs to the Vice President in Council, that the following will be a proper scale for the salaries of the two offices with reference to these considerations. For the office of Secretary and Registrar of the Archdeaconry of Calcutta, when held by the same individual, per month Rs. 400; for the office of Registrar of the Archdeaconry of Madras, per month Rs. 200; for the office of Registrar of the Archdeaconry of Bombay per month Rs. 150.

3. The Vice President in Council cannot undertake to fix definitively the salaries to be annexed to the office of Registrar at Madras and Bombay; but a reference will immediately be made to those Presidencies on the subject, and thus Government cannot doubt that the Government of Fort St. George and Bombay will readily concur in the propriety of granting the salaries proposed.

I have &c.

(Signed)

H. St. G. TUCKER,

*Acting Chief Secretary to Government.*

FORT WILLIAM, the 6th January, 1815.

Articles, and to the two first clauses of the Second Article of the 36th Canon, and take the oath of office, and the oaths of allegiance and supremacy. For the forms of all which, and of their appointments, see *precedents to this Chapter*.

The duties required of the Registrars in the Indian Dioceses, independently of drawing up the acts and proceedings of the Courts, are in general to attend personally at all public ecclesiastical proceedings, such as upon the installation of the Bishops; and at the institution and induction of the Archdeacons; at Consecration of Churches; Ordination and Visitation; (the acts of all which proceedings are drawn up by those officers, and entered in their registers, and attested,) to draw up, register, and attest the licences of the Clergy, and other instruments relating thereto; to draw up and supply the necessary papers, petitions, and proceedings, for the consecration of Churches; and licences for the allowance of divine worship; faculties for monuments, and the like; also all documents, and letters of orders, required at ordinations; and prepare mandates, and citations, and record proceedings at visitations. Also to keep a separate book, in which, the Thirty-nine Articles are inserted, with the three Articles of the Thirty-sixth Canon of 1603; in which book the subscriptions thereto are entered for the signatures of the Clergy and others, as licensed, promoted, or appointed.

Each Registrar practises in addition, as Secretary to the Bishop of the particular Diocese, in preparing all legal papers under the seal, and performing other acts generally in the Archdeaconry to which he is appointed. The Registrar for the Archdeaconry of Calcutta practises as Secretary to the Metropolitan Bishop, and in that capacity acts as principal Registrar in these Bishoprics.

These Officers may not always be able to attend at consecrations of Churches in the interior, in which case, the Bishops, under the powers granted them in their Letters Patent, assume an Actuary, and, as the form of an act of consecration for Registry may on such occasions be useful, one is given in the seventh Chapter of this work.

The Registrars also receive, and record in the registry of the Bishop's Court, the returns of Marriages, Baptisms and

Burials performed by the respective Ministers and Chaplains. These returns are made to enable the Bishop to take cognizance of the manner in which the duties of the Clergy are performed. They also now register and record all affidavits leading to licences of Marriage. They also make authenticated copies of the returns of Baptisms, Marriages and Burials for the respective Governments, as received quarterly, for the purpose of being forwarded every quarter to the Court of Directors.

As their offices are public, they allow, at all stated and reasonable hours, searches to be made for all entries in their respective Register Books, and of the returns as made, and grant copies and certificates when required, on payment of the usual fees by the parties. If the Registrars are requested on behalf of individuals personally to make searches, they are paid all reasonable charges for the same ; as also for any private faculties, and all other instruments in which the Government are not directly interested.

The above are the leading duties, and proceedings, in which the Registrars are concerned. For any further practical information respecting those officers in the Indian Dioceses, in reference to the different ecclesiastical proceedings and forms necessary, or relating expressly, either to the Bishops ; to ordination ; confirmation ; or to the Archdeacons ; to the Ministers and Chaplains ; to the Churches ; or to Visitation, the reader is referred to the several Chapters arranged under each of those heads.

Having thus set forth the duties of the Registrars of the Diocesan Courts in India, and of the Archdeaconries, we now go on to notice briefly, that the causes incidental to the Courts in question, under the very limited jurisdiction granted and exercised, can only be such as relate to discipline ; the most important of which must concern exclusively the conduct of the Clergy subject to the Bishop's jurisdiction.

The want, however, of sufficient compulsive powers in these Spiritual Courts, to coerce the attendance of witnesses to give requisite evidence as to any irregularities in the clergy, renders them seriously defective, particularly in these Dioceses, which are so extensive, and in which the parties may reside

Causes incidental to  
the Bishop's Courts in  
the East Indies.

at so great and inconvenient a distance, as to be unable to be examined, except under commission. The provisions of the Church Discipline Act in England (3d and 4th Cap. 6), set forth at page 160 herein, afford some useful suggestions, the spirit of some of which might be, if necessary, usefully introduced here, and obviate, possibly, the painful necessity of any regular or ulterior judicial proceedings for the correction of any such irregularities.

## Appeals.

From these Courts, in the Dioceses of Madras and Bombay, an appeal is given, as has already been set forth, to the Metropolitan in India. And from the Court in the Diocese of Calcutta, to the Commissioners Delegate.\*

Of the Diocesan Court at Calcutta.

With these few observations, we proceed to give some particulars of the only one of these Diocesan Courts as yet found necessary to be convened; namely, that of the Consistory Court at Calcutta, opened by Bishop Middleton in 1819, under the advice of the highest legal authority at that time in Bengal.†

Bishop Middleton's reasons for convening it.

A case of some irregularities in the performance of his duties in one of the Chaplains had occurred, which had been publicly brought to the notice of that Prelate, whose duty it became in consequence judicially to enquire into it.

After considering the course of proceeding necessary to be taken by him on that occasion, Bishop Middleton relinquished the previous intention he had entertained of proceeding in '*camera*,' as it were, and not in '*curiā*,' and of summarily withdrawing and revoking the licence of the party accused, as being not in accordance, in his view, with the proceedings directed to be taken by the Letters Patent, the charge being one of a grave nature.

It was considered also by those consulted, that to withdraw arbitrarily the licence of any Chaplain before a case was regularly proved, (unless followed by an inhibition to the Chaplain to perform his ministerial functions within the

\* No regular Appellate Court has hitherto been found necessary to be constituted or opened for entering upon and determining any such Appeals to the Metropolitan.

† Robert Spankie, Esq. then Advocate General, afterwards Mr. Sergeant Spankie.

Diocese, which inhibition could not legally be granted, except under formal sentence,) would scarcely induce or perhaps justify in law, the Government, from discontinuing his employ as a Chaplain, and that consequently one of the means leading to correction, and reformation would be lost. Nor would the mere withdrawal or revocation of a licence necessarily imply, in all cases, censure.

Whilst, on the other hand, if such a course were calculated to deprive the Chaplain of his means of support, the punishment might be, even supposing the case to be such as could be substantiated, far too great for the offence, and if found on the other hand to be false, that he (the Bishop) might in such a case be seriously liable.\*

Whether a Bishop has the lawful right, in this view, Observations thereon. to withdraw and revoke the licence of a Chaplain, for any imputed offence, without formal proceedings, and to inhibit him from performing his functions as a Minister, is a question which higher legal talents than the author possesses must determine.

It is also thought that the licence to officiate granted by a Bishop to a Clergyman in these Dioceses, whilst it is one of protection to the party licensed from being unjustly or unlawfully removed, and against consent, except by the orders of Government, is equally a protection on the part of the Church, and being such and the Bishop being responsible, that the latter functionary is equally bound by it, and therefore that to withdraw a licence, for an offence not regularly proved, (except under a formal and

\* The view taken by Bishop Middleton seems subsequently supported under the following decision :—

The Bishop of Jamaica had ordered a Clergyman to register Baptisms, Marriages and Burials in a certain Church. The Clergyman refused, and was cited to appear before the Bishop at a particular time in a particular Church, where the Bishop having asked the Clergyman whether he could deny that he had not obeyed his (the Bishop's) injunctions, and receiving no answer, proceeded to suspend him for four days *ab officio*, and until he should have openly acknowledged his error and expressed his contrition in the Church. The Clergyman first applied to the High Court of Chancery in Jamaica for a prohibition, which was refused, and subsequently to the Privy Council, who reversed the Bishop's sentence on the ground, that no citation or articles containing the charge had been delivered to the Clergyman, and that he had not been heard in his defence.—*Dr. Phillimore's Ed. Burn's Ecclesiastical Law, vol. 1, p. 415. m m m.*

public sentence pronounced,) would not only be irregular but illegal in the Bishop.

It is true that in England a Curate's licence is revocable upon just and reasonable cause, and so in these Dioceses, but not '*quasi*', in the way of a public correction, for an alledged offence.

The 1st and 2nd Vict. Cap. 106 also enacts, that a Bishop may revoke summarily, and without further process, any Curate's licence, and *remove* him for any reasonable cause, having first given such Curate an opportunity of shewing reason to the contrary; such Curate being also enabled to appeal to the Archbishop, within one month after service on him of such revocation; but such a revocation is thought to have reference only to removal, and not to be considered in the way of punishment, inasmuch as the Curate is not inhibited from performing his functions in another place.

The only lawful removal of a Chaplain allowed by Bishop Middleton was, that of the removal, when made by the Government, to wherever the duty of the Chaplain was elsewhere required for the Public Service, the responsibility of which did not rest with the Bishop, whose concurrence, however, was equally necessary, under the discipline of the Church.

The Court established  
by advice of the Ad-  
vocate General at Cal-  
cutta.

The papers, as to the case in question, having been submitted to the Advocate General, and the Letters Patent referred to, to ascertain the authority and jurisdiction possessed by the Bishop of Calcutta at that period, that gentleman was clearly of opinion, that the Bishop had but one course to pursue, namely, to proceed regularly in hearing and determining the offence *in his Court*, to establish which, he had the fullest powers. The Court in question was therefore convened, as already noticed, on the 15th October, 1819.

Where opened.

The Cathedral of Calcutta not affording sufficient accommodation for a Court Room, the Registrar was called upon by the Government to furnish suitable accommodations whenever required. The Court was opened at the house of the Registrar adjacent to the Cathedral, being at that time also the public office of that officer.

The only two sworn officers of the Court in question, under the Episcopal seal, were the Commissary and Registrar.\*

The Company's Standing Counsel at Calcutta (then George Money, Esq.,) was appointed by the Government to act as Assessor, or legal adviser to the Bishop, and presided with the latter on the opening of the Court.

The regular Court days as fixed (if business required) were the 2d day of January, the 15th day of April, the 10th day of June, and the 15th day of October.

A table of fees on a scale of something less at that time, than those on the Ecclesiastical side of the Supreme Court, was certified under the seal, as reasonable. The following rules were also passed for the regular conducting of the proceedings of the Court :—

*First.*—That in all causes of office, “*ex officio promoto*,” the party promovent with his surety do, in the first instance, before the issuing of the citation in the cause execute a bond to the Judge or Commissary for the time being, of the Court, in the penal sum of Sa. Rs. 1,000, for the due proof of the articles to be exhibited, and payment of costs in case of failure thereof.

*Second.*—That all citations, mandates, monitions, proxies, libels, articles, answers, exceptions, decrees, sentences, and all other the process and proceedings of this Court, be returned, filed and recorded in the Registrar's office, which shall be opened for dispatch of business, from the hours of nine in the morning until three in the afternoon.

*Third.*—That in case the party impugnant, or the person upon whom the citation or other process is to be served, shall live in Calcutta or reside within twenty miles thereof, the citation or process be made returnable within ten days, and that such party impugnant or person do appear within four days

\* The gentlemen appointed to the Bishop's Consistory Court, at Calcutta, at its original formation, were,

COMMISSARY.

The Venerable Archdeacon Loring, D. D.

ASSSESSOR.

George Money, Esq., as the Company's Standing Counsel.

REGISTRAR.

W H. Abbott, Esq.

APPARITOR.

Robert Twalling.

Commissary Registrar, the officers sworn.

The Company's standing counsel directed to assist and attend as Assessor.

Court days.

A Table of Fees.

Rules passed.

after the day of service, provided the Court be sitting, and if not, then at the first Court day, then next. And that in case the impugnant, or the person upon whom the citation or other process is to be served, shall live or reside beyond the distance of twenty miles from Calcutta, then that the citation or other process be made returnable on such day certain as the Court shall direct, and that such impugnant or person shall have such number of days to appear after the service thereof, as to the Court shall seem reasonable, with reference to the distance of the party.

*Fourth.*—That all citations and all other the process of this Court be personally served by the Apparitor of the Court or his deputy, if the party or parties upon whom the same is to be served do live or reside within twenty miles of Calcutta.

*Fifth.*—That all citations and other the mandatory process of the Court be brought in, returned, and filed by the Proctor for the party promovent, or by the impugnant or his Proctor as the case may be, with a certificate of service thereof, indorsed thereon by the Apparitor aforesaid, or the person or persons serving the same, which certificate shall certify the day and place when and where the party was served therewith. And if the Apparitor or such other person as aforesaid, cannot find the party upon whom the citation or other process is to be served, so as to serve him personally before the return day of the citation, or other process, a certificate shall be made thereof to be indorsed, and signed, in the same manner, in order to ground a *vis et modis*. And it is further ordered, that all such certificates of service and returns shall be made upon oath by the Apparitor aforesaid, or by the person or persons serving the citation or other process, which oath shall be taken in open Court, or otherwise, before the Bishop, Commissary, or Surrogate, or such other competent authority as the Court may order and appoint. And when the said party or parties by reason of the great distance cannot conveniently attend to make the said oath before the said Court, or before the said Bishop, Commissary or Surrogate, then a commission shall issue at the time of granting the citation or other process, authorizing certain person or persons to be named and described therein to swear the party or parties, serving the same to the truth of such their certificates of service

and returns to be made and indorsed by them as aforesaid, and the Commissioner or Commissioners executing the same, shall sign a *Jurat* at the foot of such certificate or certificates of the day and year and place, where the same was or were sworn, which commission shall be returnable without delay. And it is also further ordered, that if it shall be found by reason of the great distance of the party residing beyond twenty miles of Calcutta, or from the delay and inconveniences incident to travelling in remote parts of this Archdeaconry, the citation or other process cannot be duly executed or served within the time fixed for the return, or being duly executed and served within the time limited for the return thereof, there shall not be for the same reasons, sufficient time to return the citation or other process after such execution and service, such further time shall be granted or allowed for bringing in, returning and filing the same as the Court or Judge on application on oath by the party promovent or his Proctor, shall deem reasonable, so as the period be not extended more than once, unless on some very extraordinary or unavoidable circumstance.

*Sixth.*—If the party against whom any citation or other process shall issue, cannot be found so as to be personally served, and the Apparitor or the person undertaking to serve the same shall duly return accordingly on oath in manner aforesaid, the party promovent shall be entitled to move for a citation *viis et modis*, and if the same shall have been duly served and returned in manner as the practice of this Court directs, and the party does not appear, the party promovent shall then be at liberty to move, that the impugnant be pronounced *contumacious*, and to continue to proceed thereafter in the due course against him.

*Seventh.*—That in all causes of office, whether '*ex mero officio*' or '*ex-officio promoto*', the party cited do appear personally, unless on application to the Court, stating the grounds thereof on oath, the party shall be permitted to enter an appearance by Proctor, and do move thereupon for articles.

*Eighth.*—That if the party cited is in contempt either for non-appearance or any other cause, he shall not be permitted to appear or do any other act whatever to his defence either

personally or by Proctor, until he purges his contempt and pays the costs incurred.

*Ninth.*—That the party promovent do after appearance duly made and entered by the impugnant (or by his Proctor with leave of the Court,) or within four days after application shall have been duly made for the same by the impugnant or his Proctor, exhibit and file his libel or articles against him, which when exhibited and filed, the promovent shall thereupon give due notice in writing to the impugnant or his Proctor. That if the promovent doth omit to exhibit and file his libel or articles within the period aforesaid, or having filed the same to give notice thereof, the party impugnant shall be at liberty, after the expiration of the four days, to apply to be dismissed with his costs.

*Tenth.*—That if the party impugnant shall appear, but not move or apply for copies of the articles or libel exhibited against him within four days of his appearance, after having received due notice of the exhibiting and filing such articles or libel, the party promovent, on having exhibited and filed the same, and having given due notice thereof, shall be at liberty to move that the party impugnant be admonished to receive them.

*Eleventh.*—That the party promovent at the time of exhibiting and filing his articles or libel, do move that the party impugnant or his Proctor do give in an answer on the next Court day, or such other time as the Court shall adjudge reasonable and proper, which day and time shall be extended upon just cause and oath as the Court shall deem right, to another Court day or time, but no longer, except it be for any extraordinary or unavoidable circumstance.

*Twelfth.*—That on the day appointed or assigned for giving in his answer, if the party impugnant does neither answer nor except to the articles or libel exhibited and filed, he shall be considered in contempt, and the party promovent shall be at liberty to move, that the party impugnant be pronounced contumacious, and to continue to proceed thereafter in the due course against him.

*Thirteenth.*—That all exceptions to libels or articles be exhibited and filed on the day appointed or assigned for the impugnant to answer, and that at the time of exhibiting and

filling such exceptions, the impugnant or his Proctor do move that the next Court day, or such other time as the Court shall assign, be given to the party promovent to answer such exceptions on or before the next Court day or such other time as the Court shall adjudge reasonable and proper, which day and time shall be extended upon just cause and oath as the Court shall deem right to another Court day or time, but no longer, except it be for any extraordinary or unavoidable circumstance.

*Fourteenth.*—That on the day appointed or assigned for giving in his answer to such exceptions, if the party promovent doth omit to exhibit and file the same, the party impugnant be at liberty to move that he be dismissed with costs.

*Fifteenth.*—That when an answer to such exceptions is given in, the impugnant be at liberty to have until the next Court day or such other time as the Court on the motion of the party impugnant shall adjudge and assign, to reply thereto, and if such answer then denies any matters of fact upon which the exceptions are grounded, the impugnant shall be at liberty to move for a term probatory, with permission to extend the same to such further time as may be necessary with reference to the distance of the witnesses to be examined, (the necessity for which shall be proved on oath) for the production of witnesses and proof of such facts, but if the answer denies matters of Law, the impugnant shall join issue upon such points as he has alleged in his exceptions, and move that the next Court day, or such other time as the Court shall appoint, be assigned for argument.

*Sixteenth.*—That if upon hearing, the exceptions are found to be good in Law and the Court shall allow them, the impugnant shall be dismissed with costs; but if the exceptions are over-ruled, the impugnant shall be condemned in costs on account of the delay occasioned by his exceptions, and according to the number of Court days he shall have stopped the cause, and the party promovent shall thereupon be at liberty to move for a peremptory rule to be served on the party impugnant to answer the next Court day, or such other time as the Court shall assign, and that if the impugnant shall neglect to give in his answer, the party promovent shall be at liberty to move that he be pronounced contumacious, and be at

liberty to continue to proceed against him in the due course.

**Seventeenth.**—That when the impugnant exhibits or files his answer to the articles or libel of the party promovent, the party promovent shall be at liberty to have on motion until the next Court day, or such other day as the Court shall assign to reply to the same and join issue, and that for all answers by way of rejoinder, surrejoinder, or otherwise to be exhibited and filed, the respective parties shall have such time or number of days for exhibiting and filing the same respectively, as to the Court on petition or motion shall deem reasonable to assign and appoint.

It may also at this date, be interesting and useful to give in this place, the address delivered by Bishop Middleton from his seat, on the opening of the above Court, and with which address, and a few forms in the following Section, we conclude the present Chapter.\*

\* After the opening of the Court in question, it may be stated, that the case of the Chaplain above adverted to was entered upon. Archdeacon Loring presiding as Commissary, assisted by George Money, Esq. as assessor. The Advocate General acting as Counsel on the part of the party Promovent, and Herbert Compton, Esq. (afterwards Mr. Justice Compton at Bombay,) acting for the party Impugnant.

This party was proceeded against touching and concerning his soul's health, and the lawful correction and reformation of his manners, and was charged under various and distinct articles with irregularities as well in reading the Holy Scriptures as in the performance of other Divine offices, particularly the Burial of the Dead, and the solemnization of Matrimony, in certain cases specified, and for neglecting or evading to officiate, and perform Divine Service on the Lord's Day, and to do his duty as a Clerk in Holy Orders, and as a Minister or Chaplain of the Chaplaincy to which he was licenced, tending to the discredit of the sacred profession and of Religion.

The party Impugnant was cited to appear, but failing to do so, and the service of the citation personally on him being proved to the satisfaction of the Court, he was, after every reasonable time allowed him, suspended for contumacy. A copy of this sentence was transmitted to the Government, in accordance with the provisions of the Letters Patent; and according to the terms of the decree the sentence was also publicly read in the Church of the party proceeded against.

Under this sentence the Bishop immediately revoked the licence of the party to officiate. A copy of this revocation was also sent to the Government.

The Party afterwards came forward, and prayed to be absolved from the sentence of contumacy pronounced, which being granted, he then appeared by his Proctor. The party Promovent exhibited and filed his libel, to which the party Impugnant answered, denying the Jurisdiction and the whole of the Articles excepting the eighth, as to which he confessed.

Upon which confession, and admitting afterwards the Jurisdiction, the Court proceeded to admonish him, and decreed a sentence of monition, cautioning him to refrain in future from offending in like manner, and condemning him in Costs. A copy of this sentence was also transmitted to Government, pursuant to the provisions of the Letters Patent.

“ Upon the occasion of the opening of this Court, it may be expected, that, before the Court adjourns, something should be said as to the nature and extent of its jurisdiction, and in reference to the objects, to which its attention will be especially directed : and it is the more important, that the Court should declare itself generally on these points, as they can hardly be presumed, in the circumstances of this country, to be well understood.

Bishop Middleton's address on the opening of his Consistory Court at Calcutta.

“ Much controversy has arisen since the days of the reformation, as to the origin and limits of ecclesiastical jurisdiction : and even before that period, as is evident from various passages of our national history, the question was sometimes brought into discussion, in consequence of the inordinate claims of the Romish Pontiffs. With any thing, which occurred previously to the legal establishment of the Protestant Church of England, we are not now concerned. Its Bishops hold their jurisdiction upon principles recognized by a Protestant legislature, and upon no other. The office of the consecration of Bishops has been confirmed, with the Book of Common Prayer, in four several Acts of Parliament : and in that formulary, every Bishop is required to promise, that, ‘ by the help of God, he will maintain and set forward, as much as shall lie in him, quietness, love, and peace among all men ; and such as be unquiet, disobedient, and criminous, within his diocese, he will correct and punish, according to such authority as he hath by God’s word, and as to him shall be committed by the ordinance of the Realm.’—This language strongly marks the moderation and the abhorrence of extremes, which characterizes our national Church. It claims not with the Romanists a divine right for all the authority, with which its Governors are invested ; nor does it admit, with the abettors of independency, that spiritual authority, as exercised in our Church, has no sanction whatever from the word of God. We do, however, acknowledge, and it is our duty to maintain, that the King is on earth the Supreme Head of the Church : nor has spiritual authority, considered in itself, any efficacy in the restraint of disorder, except where it is acknowledged to bind the conscience : it has nothing external and coercive : it has not temporal and legal effect :

“ it cannot proceed in form of law, but with the consent  
“ and sanction of the Sovereign ; and in this sense Eccle-  
“ siastical Courts are the King’s Courts, though not of the  
“ number of those, which are so denominated.

“ It is under this authority, and by an ordinance of the  
“ realm, that the Court, which has been now established,  
“ assembles to exercise jurisdiction, and claims obedience to  
“ its decrees. His Majesty, by Letters Patent, has been  
“ pleased to grant ‘ to the Bishop of Calcutta and his suc-  
“ cessors, by himself or themselves, or by his or their Com-  
“ missaries, full power and authority to exercise jurisdic-  
“ tion, spiritual and Ecclesiastical, in and throughout the  
“ said See and Diocese, according to the Ecclesiastical laws  
“ of the realm of England, in the causes and matters therein  
“ expressed and specified. For the further accomplishment  
“ of His Majesty’s gracious ‘ intention,’ and ‘ for aiding the  
“ Bishop of Calcutta according to the laws and customs of  
“ the United Church of England and Ireland, in the due  
“ and canonical superintendence of Ecclesiastical persons and  
“ affairs,’ three Archdeaconries were then founded, and sub-  
“ sequently a fourth ; the Archdeacons of which are declar-  
“ ed to be, without further appointment, the Commissaries.

“ And moreover, it is declared, ‘ that in all matters of  
“ correction, which are accustomed, according to the prac-  
“ tice of the Ecclesiastical laws of His Majesty’s realm of  
“ England, to be judicially examined, the same shall in like  
“ manner be judicially examined and proceeded in before the  
“ said Bishop and his successors, or his or their Commissary  
“ or Commissaries, in the respective Archdeaconries in which  
“ the party to be proceeded against shall reside, and all such  
“ causes shall be proceeded in to final sentence in due form  
“ of law.’ ”

“ This Court, therefore, claims for itself a jurisdiction  
“ complete and valid, so far as its objects extend. It is  
“ bound to administer the Ecclesiastical law of the realm of  
“ England applicable to these objects, whether that law be  
“ found in the Ecclesiastical customs and immemorial usages,  
“ which have been denominated the common law of the  
“ Church ; in the Canons, which are Ecclesiastical enact-  
“ ments, made obligatory by Royal authority, or in the

“ Statute Books, in which much is contained, having a direct reference to causes, which are of such a character as fitly to come before this Court.

“ It will now be proper to state, of what nature these causes will principally be. From a great part of the business incident to the Consistory Courts in England, this Court is altogether relieved by the extensive jurisdiction granted by his Majesty’s charter of justice to the Supreme Court of Judicature at Calcutta. The causes here proceeded in will be causes of correction, and the most important of these, it is apprehended, will relate to the Clergy. In this view of the subject it is exceedingly to be desired, that the jurisdiction of the Court may seldom be called into actual exercise: it were too much indeed to expect, that its interference should never be requisite in this department of its functions, but to further an object of which the accomplishment is so earnestly to be wished, it may be useful to point out some of those more prominent and probable occasions, on which the Court may be required to interpose its authority.

“ There has been ground of serious complaint in some parts of this diocese, upon the subject of the want of due attention in the keeping of the Registers. Persons who affirm their ability to prove the baptism of their children, at a specified time, and in the presence of specified witnesses, have not always been able to find any trace of such baptism in the Registers of the station; and in some instances, although there was an intention of making the entry, yet from its not having been done at the time, names have been mistaken, and no entry has been found, which could at all avail for any purpose contemplated by the law in making this a part of the duties of the Clergy; more than once I have been applied to, to suggest a remedy which might avert the mischiefs likely to arise from such neglect: such remedies are not easily supplied: it were much easier to avoid the occasions which produce the evil. But independently of this negligence, there has been in some instances misconception of what is requisite to give to the register the validity of an original document. I mean the actual signature of the Clergyman, by whom

" the Ministration was performed : it seems to have been  
 " supposed, that a memorandum might be copied into the  
 " Station Register by some other than the officiating Minis-  
 " ter, and signed by the transcriber : upon all such points,  
 " and indeed upon all others connected with his ordinary  
 " duties, it becomes every Clergyman to inform himself, if  
 " he does not distinctly recollect, the practice in England.  
 " The Canon and the Statute are both express upon this head ;  
 " and the Court, in consideration of the heavy injuries which  
 " may be expected to arise from such neglect, will visit the  
 " offence with such censures as the laws have authorized.  
 " The half-yearly returns must also be punctually made to  
 " the Registrar for the purpose of being recorded in the Re-  
 " gistry of the Archdeaconry, and transmitted through the  
 " Government to England.\*"

" Another point, on which it may be proper to remark,  
 " is the obligation which binds every Clergyman not merely  
 " to use the Liturgy of the Church, but to use it entire ; as  
 " he is forbidden to make substitution, or to add to it, so he  
 " is liable to censure, if he presume to omit any portion of  
 " what the Rubrics have directed to be used. It seems not  
 " always to be considered that the Rubrics have the validity  
 " of an Act of Parliament, having been repeatedly so recog-  
 " nised : and if it were otherwise, it would be difficult to un-  
 " derstand how any Clergyman could fulfil his solemn decla-  
 " ration made before the Ordinary, and repeated in the pre-  
 " sence of his flock, that he 'will conform to the Liturgy of  
 " the Church of England as it is now by law established ;'  
 " if he omits any portion of it, when the same sanction has  
 " been given to the whole.

" The Court will not occupy further time by adverting  
 " at length to other matters of this nature, which may  
 " hereafter require its interposition ; such as irregularity in  
 " the dress of the Clergy, or absence from their stations with-  
 " out permission : to say nothing of complaints which ought  
 " never to be contemplated, of a conduct, which may subject  
 " any individual to general reproach ; but one point merits  
 " the attention of the laity as being highly important to the  
 " discipline of the Church, and apparently but little con-

\* These returns are now made quarterly, page 152, herein.

“ sidered : I mean the manner in which this Court can take  
“ cognizance of any disorder or neglect of duty. It appears  
“ to be supposed, that the best mode of obtaining remedy for  
“ such complaints is to give them a wide circulation in the  
“ way of rumour, or even to state them publicly in some of  
“ the journals : and not much better is the supposition,  
“ especially in a Diocese of such vast extent, that the Ecclesi-  
“ astical authorities are bound to know of every irregularity,  
“ which may perhaps be abundantly notorious to the persons  
“ residing where it prevails. The consequence will be, an  
“ imputation of negligence in the exercise of the authority,  
“ by which all such grounds of complaint should be re-  
“ moved : and yet such imputation would in all cases be  
“ unreasonable, but more especially in a Diocese, where the  
“ actual inspection of the state of things is, for the present  
“ at least, impracticable, and never can be very frequent.  
“ The laity, however, it should be understood, have their  
“ parts to perform in the restraint of irregularities, by bring-  
“ ing them to the notice of the ecclesiastical authority in the  
“ proper course.

“ In England there are three ways, in which the Consis-  
“ tory Courts are authorised to proceed : either by inquisi-  
“ tion, as when there is a public and prevailing rumour of  
“ some disorder, or persons worthy of credit bring it to the  
“ knowledge of the Bishop or Archdeacon, who then proceeds  
“ of his mere office ; secondly, by accusation, as when a  
“ complainant comes forward, not as witness, but as promo-  
“ vent or prosecutor ; and thirdly, by denunciation or present-  
“ ment, which last mode, however, is not applicable to this  
“ Diocese, where Churchwardens are unknown to the law ;  
“ still it should seem, that nothing is easier, even in this  
“ Diocese, than to obviate any abuse or neglect, by either of  
“ the former methods, provided only there be desire in the  
“ laity to see the evil removed : and this, though not speci-  
“ fically the duty of any, where there are not persons sworn  
“ to make presentment of all defaults, vices, and irregu-  
“ larities committed within a parish and known by them to  
“ be presentable by the Ecclesiastical laws of the realm,’  
“ does yet become indirectly incumbent upon persons espe-  
“ cially in station and authority, who have the glory of God

“ and the well-being of Christian Society at heart ; and yet,  
 “ even in such instances, admonition it is hoped, where the  
 “ case admits it, will be found effectual, and will spare this  
 “ Court the pain of a formal and public censure. The Court,  
 “ however, will not entertain or encourage complaints which  
 “ are evidently frivolous, or which at most demand the applica-  
 “ tion only of private and paternal counsel.

“ Commencing, then, under such auspices, and actuated  
 “ by these views, this Court presumes to implore on its endeavours  
 “ the blessing of Almighty God, and trusts, that as its  
 “ proceedings are directed solely to his honor and the good  
 “ of his Church, it will be found in due time to have been  
 “ eminently subsidiary to true religion and virtue.”

#### SECTION 4.

##### FORMS.

###### *Of Allegiance.*

No. 1.  
Commissary's oaths.     I —— now to be appointed Commissary of the Right Reverend —— Bishop, of —— and his successors and of the Consistory Court of the said Bishop do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

*So help me God.*

###### *Of Supremacy.*

I —— do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine, and position, that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever; and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within Her Majesty's Realm.

*So help me God.*

*Of Office.*

I — now to be appointed Commissary of the Right Reverend — Bishop of — and his successors, and of the Consistory Court of the said Bishop do swear, that I will to the uttermost of my understanding deal uprightly and justly in the office aforesaid, without respect of favor or reward.

*So help me God.*

*Commissary's Subscription.*

I — now to be appointed Commissary of the Right Reverend — Bishop of — and his successors, and of the Consistory Court of the said Bishop, do willingly and *ex animo* subscribe to the Thirty-nine Articles of the Church of England, and to all things that are contained in them, this — in the year of our Lord —

No. 2.

Subscription.

*A. B.*

The above Subscription was made before us — by divine permission Bishop of — this — day of — in the year of — in the province of —

— by Divine permission Bishop of — to our well beloved in Christ — Archdeacon of the Archdeaconry of — within our diocese and jurisdiction, Greeting: We do by these presents specially authorize and appoint you the said — the Commissary of our Consistory Court, and also our Commissary in and for and throughout the said Archdeaconry of — in the several matters and for the several purposes hereinafter mentioned, you having first before — in that behalf subscribed to the Thirty-nine Articles, and taken the oaths of allegiance and supremacy, and to deal uprightly and justly in the said office of Commissary: And for a declaration of those matters and things wherein we so direct and empower you to act as such our Commissary we do by these presents expressly authorize and empower you the said — to call for and examine the letters of orders, and all licences and other faculties and testimonials relating as well to the official appointment of all and singular the Ministers and Chaplains in holy orders of the United Church of England and Ireland, now belonging to and unlicensed in the said Archdeaconry of — as to those who may from time to time hereafter be appointed to and arrive at the same, for the purpose of satisfying us of their having been respectively, duly and regularly appointed as Ministers and Chaplains of our diocese, and of their having been admitted to the holy orders of Priests and Deacons. And we do also specially authorise and appoint you the said — to see all such Ministers and Chaplains respectively subscribe to the Thirty-nine Articles of the Church of England, agreed upon in the Convocation holden at London in the year of our Lord one thousand five hundred and sixty-two, and to the Three Articles in the Thirty-sixth of the Eccle-

No. 3.  
Form of appointment  
of Commissary.

siastical Canons published in the year of our Lord one thousand six hundred and three, and to all things that are contained in them. And also to hear, and see them respectively make and subscribe the declaration of conformity to the Liturgy of the Church of England as it is now by law established: And also to administer to each and every of them on the Holy Evangelists the following oaths, viz. the oath of allegiance to Her Majesty Queen Victoria; the oath of supremacy; and the oath of canonical obedience to us and our successors, Bishops of ——. And thereupon, as such our Commissary as aforesaid, to grant all such certificates thereof, as well as our licences to officiate under the episcopal seal to all such Ministers and Chaplains within such Archdeaconry, and to execute and deliver the same, and to affix our episcopal seal there unto, reserving to us and our successors, Bishops of —— the power of revoking all such licences, whenever we shall see just cause for the same. And we do further authorize and grant unto you, as our Commissary aforesaid, our full power to call before you at any competent days, hours, and places whatsoever, upon good and sufficient cause, any Minister or Chaplain or Priest and Deacon in holy orders in the said Archdeaconry, and to enquire, by witnesses to be sworn before you in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done; concerning his or their behaviour in his or their office and station; nevertheless, in all grave matters of correction concerning the same, and which are accustomed according to the said ecclesiastical law to be judicially examined, we do give and grant unto you our full power and authority in like manner judicially to examine; and for all and singular the purposes last mentioned, to have, use, and affix our episcopal seal to all necessary processes and instruments whatsoever; And all or any sentences to be passed and pronounced by us, or you, thereupon to certify and transmit without delay to the —— and to us and our successors, Bishops of ——. And we do also further authorize and grant unto you our full power to administer all such oaths as are accustomed and may by law be administered according to the ecclesiastical laws of England, as well to all and singular the aforesaid Ministers and Chaplains, and Priests and Deacons, as to all or any other person or persons whomsoever; particularly to any person or persons who shall or may at any time or times be nominated and duly appointed by us and our successors, to be the Registrar of the aforesaid Archdeaconry; and also to take or cause to be made and taken all subscriptions and declarations which are by law directed to be subscribed, made, and taken, by any such last mentioned person or persons in that behalf; and we do also further authorize and grant unto you, as our Commissary aforesaid, our power to grant licences under our episcopal seal for the performance or allowance of divine worship in any place or places until consecration; and also to grant all or any faculties under the episcopal seal for the admission and erection of any monuments or tablets in any church or churches within the Archdeaconry aforesaid, so that the same be not

done to the hindrance of divine worship or to the removal, displacing or injury of any monuments already erected, and not otherwise prejudicial or have no improper inscription thereon for a place of divine worship; and lastly, to register or cause to be registered, by the Registrar of the said Archdeaconry, all and every act, matter or thing, and all instruments passed by us and you under the Episcopal seal. And what shall be done and executed by you under or by virtue of these our Letters, and also what you shall cause to be done in all and singular the several matters and things aforesaid, you shall from time to time, and at all times when so required by us, or our successors, certify or exhibit to us and our successors, Bishops of —; and lastly we do hereby save and reserve to us all our episcopal rights and jurisdiction, and the power and authority of recalling or revoking these presents, and all things herein contained whenever we shall see just cause for the same.

In testimony whereof, we have caused our seal to be hereunto set and affixed. Dated this — day of — in the year of our Lord — and of our consecration the —.

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*Registrar's Oaths.*

I — do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

No. 4.  
Registrar's oaths

*So help me God.*

I — do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever; and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have, any jurisdiction, superiority, pre-eminence or authority, ecclesiastical or spiritual, within Her Majesty's realms, dominions, and countries.

*So help me God.*

---

I — before I enter into to execute the office or place of Registrar and also of Keeper of the registry and records within the Archdeaconry of — in the Diocese of — and of the Consistory Court, do swear that I will to the uttermost of my understanding deal uprightly and justly in the said office of Registrar, and also of Keeper of the registry and records aforesaid, without respect of persons, favor or reward.

*So help me God.*

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*Subscriptions.*

I — now to be appointed Registrar and Actuary and Keeper of all acts and records within and for the Archdeaconry of — and of the Consistory Court as well under — by Divine permission Bishop of — and his successors, Bishops of —, as under his Commissary and

No. 5.  
Registrar's subscrpt-  
tions.

Commissaries, and the Commissary and Commissaries of his successors, Bishops of ——, do willingly and *ex animo* subscribe to the Thirty-nine articles of the Church of England, and to all things that are contained in them this —— day of —— in the year of our Lord ——.

A. B.

I the above named —— do willingly and *ex animo* subscribe to the first and third articles, and to the two first clauses in the second article of the Thirty-sixth Canon of one thousand six hundred and three, and to all things that are contained in them, the day and year above mentioned.

A. B.

The above subscriptions were made before us —— by Divine permission Bishop of —— the —— day of —— in the year of —— in the presence of ——.

No. 6.  
Registrar's patent.

We —— by divine permission Bishop of ——, do by these presents for us and our successors, give, grant, and confirm to —— of —— in the Archdeaconry of —— within our Diocese of —— gentleman, he being a proper and sufficient person for that purpose, and having before us [*or if so, before* —— Archdeacon of the said Archdeaconry of —— and our Commissary duly and specially appointed] subscribed to the Thirty-nine Articles of religion of the Church of England, and to the first and third Articles, and to the two first clauses in the second Article of the thirty-sixth Canon, and to all things that are contained in them, and also having before us, [*or if so, before our said Commissary*] taken the following oaths, [*here give the oaths and signatures*] the office of our Principal or general Registrar, and the Notary of our acts in and for the Archdeaconry of —— aforesaid, and also the custody of the registry and records thereof as well under us and our successors, Bishops of ——, as under our Commissary and Commissaries, and the Commissary and Commissaries of our successors, Bishops of ——. And also the office of Registrar of our Episcopal Consistorial Court, with all and singular the fees, profits, advantages commodities, and appurtenances thereunto belonging; and do hereby also ordain, depute, and appoint him Registrar and Actuary, and Keeper of our acts and records within the said Archdeaconry, as well under us, as under our Commissary and Commissaries and the Commissary and Commissaries of our successors. And also receiver of the profits, issues, and emoluments arising, and that shall arise or become due from the said office and offices, and custody aforesaid, within the said Archdeaconry of —— To have, hold, enjoy, and execute the said office, and all and singular other the premises to him the said —— “*quod se bene gesserit;*” together with all and singular the fees, profits, commodities, advantages, and appurtenances to the same belonging.

In testimony whereof we have caused our Episcopal seal to be hereunto affixed, dated this —— day of —— in the year of our Lord —— and of our consecration the ——

*When sworn under commission, the same form of Commission may be observed, as in the case of the Archdeacons, adapting only the instrument to the office of Registrar.*

To all to whom these presents shall come — of — in the Archdeaconry of — in the Diocese of — sendeth greeting: Whereas the Right Reverend Father in God — by divine permission Lord Bishop of —, by Letters Patent under his hand and Episcopal seal bearing date the — day of — in the year of our Lord one thousand eight hundred and twenty — did give, grant, and confirm to the said — the office of his principal or general Registrar of the Archdeaconry of — aforesaid, and Notary of his acts within the Archdeaconry of — and also the custody of his registry and records as well under him and his successors Bishops of — as under his Commissary and the Commissaries of his successors Bishops of — and did also depute, and appoint him Registrar of his Episcopal Consistorial Court, to hold enjoy and execute the said office or offices, and all and singular other the premises to him the said — as therein mentioned, as in and by the said in part recited Letters Patent relation thereunto, had will more fully appear. And whereas the said — is desirous of voluntarily resigning the said office into the hands of the Right Reverend — Lord Bishop of — Now know ye that for better enabling the said — Lord Bishop of — to grant new Letters Patent of the said office or offices, the said — hath and by these presents doth surrender and yield up into the hands of him the said — Lord Bishop of — and his successors the said recited Letters Patent and all the estate, right, title, interest, property, claim and demand whatsoever of him the said — of, in and to the same, every and either of them, to the intent and purpose that the said — Lord Bishop of — may be the better enabled to grant new Letters Patent of the said office to such person or persons as to him shall seem meet. In Witness whereof the said — hath hereunto set his hand and seal, the — day of — in the year of our Lord one thousand eight hundred and twenty —

No. 7.  
Form of Surrender of  
a Registrar's Patent.

Sealed and delivered at — }  
aforesaid, in the presence of }

— by Divine permission Bishop of — to our beloved in Christ — of — Health, Grace and Benediction, having confidence in your fidelity and diligence we appoint you by these presents to be the Apparitor of our Consistory Court in our Diocese of — to execute all citations process and decrees of the said Court lawfully and faithfully and to certify and report to the said Court upon the due execution thereof, and to do all other things which may be necessary in the premises according to the duty of an Apparitor, you having first in our presence taken the oath which is required in this behalf, that you will well and truly discharge the duties of an Apparitor according to the best of your skill and knowledge, and further we do by these presents

No. 8.  
Faculty appointing  
an Apparitor.

give and assign unto you all the profits and emoluments lawfully appertaining to your said office, hereby reserving to us and our successors Bishops of — the power of revoking these presents whenever we or they shall see just cause for the same. In testimony whereof we have caused our Episcopal seal to be hereunto affixed, dated this — day of — in the year of our Lord one thousand eight hundred and — and of our consecration the —

No 9.  
Form of citation in a cause of office promoted.

— by Divine permission Bishop of — To all and singular Clerks and literate persons whosoever, and wheresoever in and throughout our whole Diocese of — Greeting: We do hereby authorize, empower and strictly enjoin and command you jointly and severally, peremptorily to cite or cause to be cited the Reverend W. W. Clerk, one of the Ministers or Chaplains of the Chaplaincy of — in the Archdeaconry of — in our said Diocese of — personally to appear before the — Archdeacon of the said Archdeaconry of — the Commissary of our Consistory Court, within our said Diocese of — lawfully constituted, his Surrogate or other competent judge in this behalf, in the Court Room of our said Consistory Court at — and place of Judicature there, on — the — day of —, if it be a Court day, otherwise on the Court day then next following at the usual and accustomed hours for hearing of causes and doing justice there, then and there to answer to certain positions or articles to be objected against him touching and concerning his soul's health and the lawful correction and reformation of his manners, and excesses, and more especially for his irregularities as well in reading the Holy Scriptures as in the performance of other Divine offices, particularly the burial of the Dead and solemnization of Matrimony, and for neglecting or evading to officiate and perform Divine service on the Lord's day, and to do his duty as a Clerk in holy orders and as a Minister or Chaplain of the said Chaplaincy of — and for other irregular conduct, and further to do and receive as unto law and justice shall appertain, under pain of the law and contempt thereof at the voluntary promotion of Z — one of the Proctors of the said Court — and what you shall do or cause to be done in the premises, you shall duly certify our Commissary aforesaid, his Surrogate or other competent judge in this behalf together with these presents on or before the — day of — next. Dated at — the — day of — in the year of our Lord one thousand eight hundred and —

#### *RETURN INDORSED.*

This citation was personally served on the within named W. W — by shewing him the original under seal at — this — day of — and leaving with him a true copy of the contents thereof.

*By me,*

*A. B.*

At — appeared personally before me the undersigned A. B. of — and by virtue of his corporal oath deposed, that the contents of

the above certificate and to which he hath subscribed his name, were and are true.

(Signed.) *A. B.*

On this —— day the said A. B. was duly sworn to the truth of this affidavit before me.

*C. D.*

*Commissary.*

In the Consistory Court within and for the Archdeaconry of —— in No. 10.  
Commission to prove  
due service of citation. the Diocese of ——

The office of the Judge promoted by Z —— against W. W —— Archdeacon of the Archdeaconry of —— and Commissary of the Right Reverend —— by Divine permission Bishop of —— and also Commissary of the Consistory Court above mentioned. To L. M. N. —— all respectively of —— aforesaid —— sendeth greeting: Whereas it hath been humbly represented unto me by Z —— the Proctor in the above-mentioned cause, that a citation under the Episcopal seal of the Bishop of —— above named, bearing date the —— day of —— and returnable on or before the —— day of —— next as therein mentioned, hath issued in the above cause against the Reverend W. W. Clerk, one of the Ministers and Chaplains of the Chaplincy of —— in the Archdeaconry of —— the Party Impugnant above named, and that the said W. W —— Clerk is now residing at —— aforesaid in the said Archdeaconry of —— and that the person or persons who shall or may serve the said citation on him the said —— at —— aforesaid by reason of the distance thereof, will not be able without great inconvenience and expence to attend before the said Court to make the necessary Oath of the truth of their certificate of service of the said citation to be made and endorsed by them thereon and humbly praying (amongst other things) that a Commission might issue authorizing you the said L. M. N. all respectively of —— aforesaid, or any one of you to swear the person or persons who shall or may attend before you or any or either of you for that purpose to the truth of such certificate of service to be made and endorsed by him or them on the back of the citation aforesaid. And whereas having great confidence in the care, fidelity and circumspection of you the said L. M. N. as such Commissaries as aforesaid, I the Venerable —— Archdeacon of the Archdeaconry of —— and Commissary aforesaid, do therefore by these presents give you or any one of you full power and authority to swear the person or persons who shall attend before you or any one of you for that purpose to the truth of such certificate of service to be endorsed on the back of the said original citation, which said citation and certificate is to be produced and shewn to you by the person or persons to be sworn to the same. And when such person or persons shall have been duly sworn to the truth of the said certificate of service, then you or either of you before whom the same shall have been sworn are hereby direct-

ed to fill up and sign the Jurat at the foot of the said certificate and to return the same to the person or persons aforesaid, after which you or either of you will return this Commission to the Consistory Court above-mentioned under your hands and seals or hand and seal without delay, certifying the execution on the back hereof. Given under the Episcopal seal of the said Right Reverend — by Divine permission Bishop of — and I have hereunto subscribed my hand dated at — this — day of — in the year of our Lord one thousand eight hundred and —

*On back of the above Commission.*

The execution of this Commission appears by the certificate within referred to.

(Signed)      *Commissioner.*

*The Form of the oath to be administered.*

You V —— do swear that you will true answer make to all such questions as shall be demanded of you, touching this your certificate.  
*So help you God.*

*Then the following questions to be asked :*

“ Is this your name and hand writing ? ” “ Have you read this certificate ? ” “ Are the contents true ? ”

*On his or their answering in the affirmative, then the Commissioner or Commissioners are to subscribe his or their name or names to the foot of the said certificate above.*

Sworn before me this — day of — — Commissary.

No. 11. — by Divine permission Bishop of — To all and singular Ministers, Chaplains and Clerks whomsoever and wheresoever in and throughout our whole Diocese of — Greeting. Whereas — our Commissary of our Consistory Court within and for the Archdeaconry of — in the Diocese of — lawfully appointed, and rightly and duly proceeding in a certain cause of our office voluntarily promoted and brought by Z — against the Reverend W. W — Clerk, one of the Ministers and Chaplains of the Chaplaincy of — in the Archdeaconry of — in the Diocese of — did (the said W. W — having been previously three times called) at the Petition of the said Z. — Proctor, the said W. W — by reason of his manifold contempt and contumacy in not appearing lawfully before him the said — our Commissary aforesaid on the day and at the time and place appointed to him the said W. W — and now passed pursuant to a certain citation issued from and out of this Court against him in the said cause and duly and personally served on him the said W. W — and the said W. W — having again been thrice publicly called in open Court and long and sufficient-

ly expected and in no wise lawfully appearing but contumaciously absenting himself and still persisting so to do, pronounce him the said W. W—contumacious, and in pain of such his contumacy did suspend the said W. W—from the Ministrion of his office until the next Court day, being the — day of the month of — next, (Justice so requiring) we do therefore hereby authorize and empower and strictly enjoin and command you jointly and severally that at the Chaplaincy aforesaid and in the place where Divine worship is there performed, upon the first Sunday next after your shall have received this our sentence and during the time of Divine service in the forenoon, and whilst the greater part of the congregation are there present, you do openly declare the said W.W — to have been so suspended from the Ministrion of his office, and what you shall do or cause to be done in the premises you shall duly certify us our Commissary or some other competent judge in this behalf together with these presents. Given at — this — day of — in the year of our Lord one thousand eight hundred and —

In the Consistory Court within and for the Archdeaconry of —— in the Diocese of ——.

No. 12.  
A Form of Libel  
against a Clergyman  
for irregularities.

The Office of the Judge promoted by ——

against — —

In the Name of God, Amen —— Doctor in Divinity, Archdeacon of the Archdeaconry of —— in the Diocese of —— and Commissary of the Right Reverend Father in God —— by Divine permission, Lord Bishop of —— and of the said Consistory Court within and for the said Archdeaconry of —— in the said Diocese of —— lawfully constituted to exercise jurisdiction Spiritual and Ecclesiastical in the said Archdeaconry, according to the Ecclesiastical laws of the Realm of England and (amongst other things) to punish and correct the Chaplains, Ministers, Priests and Deacons in Holy Orders of the United Church of England and Ireland within the said Archdeaconry according to their demerits, To you the Reverend —— one of the Chaplains duly licensed and appointed to the Chaplaincy of —— in the said Archdeaconry of —— all and singular the articles, heads, positions, or interrogatories hereinafter mentioned, touching and concerning your soul's health and the lawful correction and reformation of your manners, and more especially for your irregularities, as well in reading and omitting to read the Holy Scriptures, as in the performance of other Divine Offices, particularly the Burial of the Dead and other irregular conduct tending to the discredit of the sacred profession of our Holy Religion, do by virtue of our office at the promotion of —— hereby article, object and administer as follows, that is to say,

*First.—* We article and object to you the said —— that you now being and for several years last past having been a Priest or Minister in Holy Orders of the United Church of England and Ireland, and having on or

about the —— been duly and lawfully Licensed and appointed to perform the office of one of the Ministers or Chaplains at the said Chaplaincy of —— in the said Archdeaconry within the said Diocese of —— have ever since been, and now are commonly accounted, reputed and taken to be a Chaplain of the said Chaplaincy of —— and as such by the statute in that case made and provided, and by the Letters Patent of his late Majesty King George the Third, under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the second day of May in the fifty-fourth year of the reign of his said Majesty, are subject to the Ecclesiastical jurisdiction of the said Bishop and his Commissary within the said Archdeaconry, and we article and object as at any other time or times it shall appear, from the lawful proofs to be made in this cause and every thing in this and the subsequent articles contained jointly and severally.

*Second.*—Also, we do article and object to you the said——that in and by the fourteenth canon of the constitutions and canons Ecclesiastical treated upon by the Bishop of London, President of the Convocation of the Province of Canterbury and the rest of the Bishops and Clergy of the said Province, and agreed upon with the King's Licence in their synod begun at London in the year of our Lord one thousand six hundred and three, it is declared and directed, that “The Common Prayer shall “be said or sang distinctly and reverently upon such days as are “appointed to be kept Holy by the Book of Common Prayer and their “eves, and at convenient and usual times of those days and in such “place of every Church as the Bishop of the Diocese or Ecclesiastical “Ordinary of the place shall think meet for the largeness or shortness “of the same so as the people may be most edified, and that all Ministers likewise shall observe the orders, rites and ceremonies prescribed “in the Book of Common Prayer, as well in reading the Holy Scriptures “and saying of prayers as in administrations of the Sacraments without “either diminishing, in regard of preaching or in any other respect “or adding any thing in the matter or form thereof.” And that by the statutes made and provided concerning the uniformity of Common Prayer and service in the Church and administration of the Sacraments, particularly the Statute of the first year of the Reign of Queen Elizabeth of England (Chapter second) and the Statute of the thirteenth and fourteenth year of the Reign of King Charles the Second of England, all Ministers are required and directed to conform to one uniform order of Common service and prayer and of the administration of the sacraments, rites and ceremonies of the Church of England as set forth in the Book of Common Prayer and administration of Sacraments and rites and ceremonies in the Church of England, and that you the said —— as much Minister and Chaplain as aforesaid duly Licensed and appointed to the said Chaplaincy within the said Archdeaconry of —— aforesaid in conformity to the rules, ordinances and constitutions of the said canons Ecclesiastical and Statutes in such cases made and provided, have not at all times distinctly or reverently said the Common

Prayer upon such days as are by law appointed to be kept Holy by the said Book of Common Prayer in the place used and appointed for that purpose, so and in such manner as that the said people might be edified, nor have you observed the orders, rites and ceremonies prescribed in the said Book of Common Prayer in reading the Holy Scriptures and saying prayers and in the administration of the sacraments, but have diminished therefrom and added thereto in matter and form, and that you have not complied with the enactments of the said several Statutes concerning the uniformity of Common Prayer and service and the administration of the sacraments, or conformed to the uniform order of common prayer and service, and the administration of the sacraments, rites and ceremonies of the Church of England as set forth in the Book of Common Prayer and administration of sacraments, rites and ceremonies of the Church of England, and that such omission, neglects, actings and doings were and are, or some or one of them were and are, or was and is true, public and notorious. And we article and object every thing in this and the subsequent articles of Allegation contained severally and respectively.

*Third.*—Also we do article and object to you the said — that you being such Minister and Chaplain as aforesaid, contrary to the form and effect of the sixty-eighth canon of the constitutions aforesaid, you having had sufficient and convenient warnings, in such manner and form as is prescribed in the said Book of Common Prayer and having been duly required to bury several corpses of deceased persons within the said Chaplaincy of — have at divers times and on divers occasions during your holding the said Chaplaincy and since you were so licensed and appointed as aforesaid, refused and omitted and neglected to bury such corpses respectively, such deceased persons not having at the time of their several deceases been under denunciation of excommunication. And this was and is notorious, and so much you the said — do know in your conscience and have confessed to be true, and we article and object to you as before.

*Fourth.*—Also, we do article and object to you the said — that on divers occasions and at divers times when it was usual for Divine service to be performed, and Divine service ought to have been performed, and that several of the Christian inhabitants of the said Chaplaincy of — were assembled at the usual and accustomed place for Divine worship, namely, in the Church of — at the Chaplaincy aforesaid for the purpose of hearing Divine service and in which it was your duty as such Chaplain as aforesaid to perform Divine service that you being unmindful of your duty did wilfully and without any just cause refuse and omit to perform Divine service. And this was and is true, public and notorious, and so much you the said — do know, and in your conscience believe to be so, and we article and object to you as before.

*Fifth.*—Also we do article and object to you the said — that by the canon and statutes in such cases made and provided all Clerks in Holy Orders are particularly enjoined and required not to intermit to

use the accustomed apparel of their degrees, but to be grave, decent, reverent and orderly in their wearing apparel and their general deportment and behaviour in every respect, and to abstain from drinking, riot or other excess whatsoever, and from spending their time idly or disorderly by day or night, and from resorting to or boarding or lodging in such places other than for their honest necessities; that on the contrary they are enjoined at all convenient times to hear or read some of the Holy Scriptures, to occupy themselves with some other honest study or exercise, always doing the things which shall appertain to honesty, and endeavour to profit the Church of God, bearing in mind that they ought to except all other in purity of life, and to be example to others to live well and Christianly under pain of deprivation of their Ecclesiastical benefices, suspension from the exercise of their clerical functions or such other Ecclesiastical punishment or censures as the exigency of the case and law thereupon may require and authorize according to the nature and guilt of their offences. Whereas we do charge you the said —— with acting contrary to such statutes and canons with respect to your apparel. And this was and is true, public and notorious and so much you the said —— do know or have heard, and in your conscience believe to be true, and we article and object to you in this and the other articles herein contained jointly and severally.

*Sixth.*—Also we do article and object to you the said —— that on a particular occasion and on a particular day some time since passed you were duly and conveniently warned to bury according to the rites and ceremonics of the United Church of England and Ireland the corpse of a certain person then lately deceased who had been a private Christian Soldier in —— Regiment of —— which corpse had been brought to the usual place of interment for burial, and that you, contrary to the sixty-eighth canon, and unmindful of your duty did omit, neglect and refuse to perform such service, the said private Soldier at the time of his decease not being under excommunication. And this was and is true, public and notorious, and so much you the said —— do know and in your conscience believe to be true, and we article and object to you as before.

*Seventh.*—Also we do article and object to you the said —— that on divers occasions and at divers times some time since passed, you without any just cause delayed to officiate and perform Divine Service until long after the usual and appointed time for Divine Service, and long after the congregation had as usual assembled, and that when you entered the place appointed for Divine Worship your person was very dirty, and as soon as you had entered the Church you conducted yourself in a most indecorous and irreverent manner. And this was and is true, public and notorious, and so much you the said —— do know and in your conscience believe to be true, and we article and object as before.

*Eighth.*—And we do article and object to you the said —— that you being such Chaplain as aforesaid, did, contrary to the statutes and

canon aforesaid on or about the —— and within the said Archdeaconry perform and solemnise a marriage between —— and —— and that you did officiate in performing and solemnizing the said marriage without being dressed in your proper canonical habit, and were dressed in an unbecoming manner. And this was and is true, public and notorious, and so much you the said —— do know in your conscience to be true, and we article and object to you as before.

*Ninth.*—Also we do article and object to you the said —— that you the said —— being such Chaplain as aforesaid when performing and solemnizing the marriage of the said —— and —— in the precedin ; article mentioned did not perform the said marriage according to the form of the service in the said Book of Common Prayer, but, contrary to the statutes and canons in that behalf, did omit to read a great part of the office and service in the said Book of Common Prayer contained. And this was and is public and notorious, and so much you the said—— do know in your conscience and have confessed to be true, and we do article and object to you as before.

*Tenth.*—Also we do article and object to you the said —— that you at divers times and on divers occasions, and for very considerable times together, without any just or sufficient cause have omitted, neglected or evaded to officiate and perform Divine Service and to do your duty as a Clerk in Holy Orders. And this was and is public and notorious, and so much you the said —— do know, and in your conscience believe to be true, and we article and object to you as before.

*Eleventh.*—Also we do article and object to you the said —— that you at divers times and on divers occasions, and for very considerable times together, without any just or sufficient cause have omitted, neglected or evaded to officiate and perform Divine Service and to do your duty as a Chaplain of the said Chaplaincy of ——. And this was and is public and notorious, and so much you the said —— do know, and in your conscience believe to be true, and we article and object to you as before.

*Twelfth.*—Also we do article and object to you the said —— that you do now and without any just or sufficient cause omit, neglect or evade to do your duty as a Clerk in Holy Orders and as a Chaplain of the said Chaplaincy of ——. And this was and is public and notorious, and so much you the said —— do know, and in your conscience believe to be true, and we article and object to you as before.

*Thirteenth.*—Also we do article and object to you the said —— that for your aforesaid irregularities and other crimes and offences you ought to be canonically corrected and punished. And we article and object to you as before.

*Fourteenth.*—Also we do article and object to you the said —— that the said —— part agent in this cause, hath rightly and duly complained to us the judge aforesaid and to this Court. And we article and object to you as before.

And we further article and charge you the said —— that you are

Minister and Chaplain duly licensed and appointed to officiate as hereinbefore in that behalf charged, and alleged, and are a British subject residing within the Archdeaconry of — in the Diocese of — aforesaid, and therefore and by reason of the premises are subject to the jurisdiction of this Court. And we article and object to you as before.

A. B.

*Proctor.*

C. D.

*Advocate.*

No. 13.  
A Form of Answer to  
the foregoing Libel.

In the Consistory Court within and for the Archdeaconry of — in the Diocese of —.

The office of the Judge promoted by — Proctor against —.

The answer of — Clerk, late of — but now of — made to the pretended positions, or articles of a certain pretended libel given in and admitted against him by —.

To the first and second pretended articles of the said libel — the impugnant confesseth and admitteth the same.

To the third pretended position or article of the said pretended libel the impugnant answereth, that he the impugnant did not at any time or times within the said Chaplaincy of — or while he the impugnant held the said Chaplaincy refuse or wilfully omit or neglect to bury several corpses of deceased persons, and that upon every occasion when the health of the impugnant would permit, and when the impugnant was not otherwise prevented by just and sufficient cause, the impugnant did when duly required so to do bury the corpses of all deceased persons who were Christians, and who departed this life at — while the impugnant held the said Chaplaincy.

To the fourth pretended position or article of the said pretended libel, the impugnant answering denies that he wilfully or without just cause ever did refuse or omit to perform Divine Service at the usual or accustomed place for Divine worship at — aforesaid.

To the fifth pretended position or article of the said pretended libel, and which charges the impugnant with having acted contrary to the canons and statutes therein recited with respect to his apparel, the impugnant answereth that the said pretended position or article doth not contain any specific instance or allegation when, where or on what occasion the impugnant acted contrary to the said canon and statutes with respect to his apparel, and that the impugnant is therefore unable particularly to answer the same, but the impugnant further answering denies that he hath acted contrary to the said canons and statutes with respect to his apparel except in the instance hereinafter particularly mentioned in answer to the eighth pretended position or article.

To the sixth pretended position or article of the said libel, the impugnant saith that he was not duly or conveniently warned on any occasion to bury the corpse of a certain person who had been a private Christian Soldier in — Regiment of — as in the said sixth article mentioned, and that the impugnant did not wilfully omit, neglect or

refuse to bury the said corpse or to perform the accustomed rites and ceremonies, as in the said sixth article of the said libel is untruly propounded.

To the seventh pretended position or article of the said libel, the impugnant answering saith, that the said pretended position or article doth not contain any specific time or place when or where the impugnant conducted himself in the manner therein untruly alleged, and that the impugnant is therefore unable to answer the same particularly, but the impugnant contests and denies the matters therein propounded.

To so much of the eighth pretended position or article which charges the impugnant with having performed the marriage therein mentioned without being dressed in proper canonical habit, the impugnant confesseth the same, but the impugnant saith that the said marriage was performed in a private house there being then no Church or consecrated place of worship at —— and during a period when the weather was oppressively hot, and that the impugnant therefore omitted to wear his canonical habit, but the impugnant denies that he was dressed in an unbecoming manner save as aforesaid.

To the ninth pretended position or article of the said pretended libel, the impugnant answereth, that he the impugnant when he performed the marriage in the eighth and ninth articles mentioned, did perform the said marriage according to the form of the service in the said Book of Common Prayer contained.

To the tenth pretended position or article of the said pretended libel, the impugnant answereth that he the impugnant hath not omitted, neglected or evaded at divers times and on several occasions at any time or on any occasion or for considerable times together, without any just or sufficient cause, to officiate and perform Divine Service or to do his duty as a Clerk in Holy Orders, as is untruly alleged in the said libel, and the impugnant submits that the said tenth position or article of the said libel is uncertain and contains no specific or distinct charge to which the impugnant can answer except by a denial thereof.

To the eleventh pretended position or article of the said pretended libel, the impugnant answereth and denieth that at divers times and on divers occasions or for considerable times together without any just or sufficient cause he the impugnant hath omitted, neglected or evaded to officiate and perform Divine Service and to do his duty as a Chaplain of the said Chaplaincy of ——.

To the twelfth pretended position or article of the said pretended libel, the impugnant answereth and denieth that he doth now without any just or reasonable cause omit, neglect or evade to do his duty as a Clerk in Holy Orders and as a Chaplain of the said Chaplaincy of ——.

To the thirteenth and fourteenth pretended positions or articles of the said pretended libel, the impugnant answereth and saith that he hath referred himself to the law, and that he is advised and therefore humbly

conceives that he is not by law obliged to answer to the said last mentioned articles or either of them or to any part thereof.

To the last pretended position or article of the said pretended libel, the impugnant answereth and saith that he doth confess and acknowledge the jurisdiction of the Court, and that the impugnant believeth and confesseth what he hath believed and confessed, and denies what he hath denied, and the said impugnant prayeth that he may have right and justice done to him in the premises by the decree and sentence of this Honorable Court according to law.

*E. F.*

*Proctor for Impugnant.*

*Advocate.*

No 14.  
A Monition.

— D. D. Archdeacon of the Archdeaconry of — and Commissary of the Consistory Court of the Right Reverend — by Divine permission Bishop of —.

Whereas we rightly and duly proceeding in a certain cause of our office voluntarily promoted and brought by Z. one of the Proctors of the said Consistory Court against the Reverend W. W — Clerk, one of the Ministers and Chaplains of the Chaplaincy of — in the Archdeaconry of — in the said Diocese of — to answer to certain articles, heads, positions or interrogatories to be administered to him by virtue of our office, at the promotion of the said Z. — touching and concerning his soul's health and the lawful correction and reformation of his manners, and more especially for his irregularities as well in reading and omitting to read the Holy Scriptures as in the performance of other Divine offices, particularly the burial of the dead and other irregular conduct tending to the discredit of the sacred profession of our holy religion, did on the day of the date of these presents (the said cause coming on to be heard and concluded at the instance of both parties on such parts of the articles of the Libel filed in the said cause as are admitted in the Impugnant's answer thereto, and which articles charge the said W. W — (being such Minister and Chaplain as aforesaid,) for having contrary to the statute and canon on or about the — day of — in the year of our Lord one thousand eight hundred and — within the Archdeaconry aforesaid, (*Here state the charges,*) and the Promovent having abandoned the other charges of the Libel against the said W. W — do decree a monition to issue against him the said W. W — to refrain in future from offending in the manner admitted by him in and by his answer to the said articles of the said libel, and do absolve the said W. W — from all other the charges of the said libel. And do Decree the said W. W — to pay the costs of the said suit. Given under the Episcopal seal of the said — at — this — day of — in the year of our Lord one thousand eight hundred and —

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## **A P P E N D I C E S.**



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## A P P E N D I X. (A.)

### A R T I C L E S

APP. (A.)

AGREED UPON

BY THE ARCHBISHOPS AND BISHOPS OF BOTH PROVINCES,  
AND THE WHOLE CLERGY.

In the Convocation holden at London, in the year 1562, for  
the avoiding of Diversities of Opinions, and for the  
stablishing of Consent touching true Religion : Reprinted  
by His Majesty's Commandment, with his Royal Decla-  
ration prefixed thereunto.

### HIS MAJESTY'S DECLARATION.

Being by God's Ordinance, according to our just Title, Defender of  
the Faith, and Supreme Governor of the Church, within these Our  
Dominions, We hold it most agreeable to this Our kingly office, and  
Our own religious zeal, to conserve and maintain the Church committed  
to Our charge, in unity of true religion, and in the bond of peace ; and  
not to suffer unnecessary disputations, altercations, or questions to be  
raised, which may nourish faction both in the Church and Common-  
wealth. We have therefore, upon mature deliberation, and with the  
advice of so many of Our Bishops as might conveniently be called  
together, thought fit to make this Declaration following :—

That the Articles of the Church of England (which have been allow-  
ed and authorized heretofore, and which Our Clergy generally have  
subscribed unto) do contain the true Doctrine of the Church of  
England, agreeable to God's Word : which We do therefore ratify and  
confirm, requiring all Our loving subjects to continue in the uniform  
profession thereof, and prohibiting the least difference from the said  
Articles ; which to that end We Command to be new printed, and this  
Our Declaration to be published therewith.

That We are Supreme Goverour of the Church of England : And  
that if any difference arise about the external policy, concerning the  
injunctions, canons, and other constitutions whatsoever thereto be-

longing, the Clergy in their convocation is to order and settle them, having first obtained leave under Our broad seal so to do: and We approving their said ordinances and constitutions; providing that none be made contrary to the laws and customs of the land.

That out of Our princely care, that the Churchmen may do the work which is proper unto them, the Bishops and Clergy, from time to time in convocation, upon their humble desire, shall have license under Our broad seal to deliberate of, and to do all such things, as being made plain by them, and assented unto by Us, shall concern the settled continuance of the doctrine and discipline of the Church of England now established; from which We will not endure any varying or departing in the least degree.

That for the present, though some differences have been ill raised, yet We take comfort in this, that all Clergymen within our realm have always most willingly subscribed to the Articles established; which is an argument to Us, that they all agree in the true, usual, literal meaning of the said Articles; and that even in those curious points, in which the present differences lie, men of all sorts take the Articles of the Church of England, to be for them; which is an argument again, that none of them intend any desertion of the Articles established.

That therefore in these both curious and unhappy differences, which have for so many hundred years, in different times and places, exercised the Church of Christ, We will that all further curious search be laid aside, and these disputes shut up in God's promises, as they be generally set forth to us in the Holy Scriptures, and the general meaning of the Articles of the Church of England, according to them. And that no man hereafter shall either print or preach to draw the Article aside any way, but shall submit to it in the plain and full meaning thereof: and shall not put his own sense or comment to be the meaning of the Article, but shall take it in the literal and grammatical sense.

That if any publick reader in either of Our universities, or any head or master of a college, or any other person respectively in either of them, shall affix any new sense to any Article, or shall publickly read, determine, or hold any publick disputation, or suffer any such to be held either way, in either the universities or colleges respectively; or if any divine in the universities shall preach or print any thing either way, other than is already established in convocation with Our royal assent; he, or they the offenders, shall be liable to Our displeasure, and the Church's censure in Our commission ecclesiastical, as well as any other: And We will see there shall be due execution upon them.

**ARTICLES OF RELIGION.**APP (A.)**I.—*Of Faith in the Holy Trinity.***

There is but one living and true God, everlasting, without body, parts, or passions; of infinite power, wisdom, and goodness; the Maker and Preserver of all things both visible and invisible. And in unity of this Godhead there be three Persons, of one substance, power and eternity; the Father, the Son, and the Holy Ghost.

**II.—*Of the Word or Son of God, which was made very Man.***

The Son, which is the Word of the Father, begotten from everlasting of the Father, the very and eternal God, and of one substance with the Father, took Man's nature in the womb of the Blessed Virgin, of her substance: so that two whole and perfect Natures, that is to say, the Godhead and Manhood, were joined together in one Person, never to be divided, whereof is one Christ, very God, and very Man; who truly suffered, was crucified, dead and buried, to reconcile his Father to us, and to be a sacrifice, not only for original guilt, but also for actual sins of men.

**III.—*Of the going down of Christ into Hell.***

As Christ died for us, and was buried: so also is it to be believed, that he went down into Hell.

**IV.—*Of the Resurrection of Christ.***

Christ did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature, wherewith he ascended into Heaven, and there sitteth until he return to judge all Men at the last day.

**V.—*Of the Holy Ghost.***

The Holy Ghost, proceeding from the Father and the Son, is of one substance, majesty, and glory, with the Father and the Son, very and eternal God.

**VI.—*Of the Sufficiency of the Holy Scriptures for Salvation.***

Holy Scripture containeth all things necessary to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of the faith, or be thought requisite or necessary to salvation. In the name of the Holy Scripture we do understand those Canonical Books of the Old and New Testament, of whose authority was never any doubt in the Church.

APP. (A.)

*Of the Names and Number of the Canonical Books.*

Genesis,	The First Book of Chronicles,
Exodus,	The Second Book of Chronicles,
Leviticus,	The First Book of Esdras,
Numbers,	The Second Book of Esdras,
Deuteronomy,	The Book of Esther,
Joshua,	The Book of Job,
Judges,	The Psalms,
Ruth,	The Proverbs,
The First Book of Samuel,	Ecclesiastes, or Preacher,
The Second Book of Samuel,	Cantica, or Songs of Solomon,
The First Book of Kings,	Four Prophets the greater,
The Second Book of Kings,	Twelve Prophets the less.

And the other Books (as *Hierome* saith) the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any doctrine; such are these following :

The Third Book of Esdras,	Baruch the Prophet,
The Fourth Book of Esdras,	The Song of the Three Children,
The Book of Tobias,	The Story of Susanna,
The Book of Judith,	Of Bel and the Dragon.
The rest of the Book of Esther,	The Prayer of Manasses,
The Book of Wisdom,	The First Book of Maccabees,
Jesus the Son of Sirach,	The Second Book of Maccabees.

All the Books of the New Testament, as they are commonly received, we do receive, and account them Canonical.

**VII.—*Of the Old Testament.***

The Old Testament is not contrary to the New: for both in the Old and New Testament everlasting life is offered to Mankind by Christ, who is the only Mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign that the old Fathers did look only for transitory promises. Although the Law given from God by Moses, as touching Ceremonies and Rites, do not bind Christian men, nor the civil precepts thereof ought of necessity to be received in any Commonwealth; yet notwithstanding, no Christian man whatsoever is free from the obedience of the Commandments which are called Moral.

**VIII.—*Of the Three Creeds.***

The Three Creeds, Nicene Creed, Athanasius's Creed, and that which is commonly called the Apostles' Creed, ought thoroughly to be received and believed: for they may be proved by most certain warrants of Holy Scripture.

**IX.—*Of Original or Birth-Sin.***

Original Sin standeth not in the following of *Adam* (as the *Pelagians* do vainly talk;) but it is the fault and corruption of the nature of every man, that naturally is engendered of the offspring of *Adam*,

whereby man is very far gone from original righteousness, and is of his own nature inclined to evil, so that the flesh lusteth always contrary to the spirit; and therefore in every person born into this world, it deserveth God's wrath and damnation. And this infection of nature doth remain; yea, in them that are regenerated; whereby the lust of the flesh, called in the Greek, Φρόνημα σαρκός, which some do expound the wisdom, some sensuality, some the affection, some the desire of the flesh, is not subject to the law of God. And although there is no condemnation for them that believe and are baptized, yet the Apostle doth confess, that concupiscence and lust hath of itself the nature of sin.

#### X.—*Of Free-Will.*

The condition of man after the fall of *Adam*, is such, that he cannot turn and prepare himself by his own natural strength and good works, to faith, and calling upon God: Wherefore we have no power to do good works pleasant and acceptable to God without the grace of God by Christ preventing us, that we may have a good will, and working with us, when we have that good will.

#### XI.—*Of the Justification of Man.*

We are accounted righteous before God, only for the merit of our Lord and Saviour Jesus Christ by faith, and not for our own works or deservings. Wherefore, that we are justified by faith only, is a most wholesome doctrine, and very full of comfort, as more largely is expressed in the Homily of Justification.

#### XII.—*Of Good Works.*

Albeit that good works, which are the fruits of faith, and follow after justification, cannot put away our sins, and endure the severity of God's judgment, yet are they pleasing and acceptable to God in Christ, and do spring out necessarily of a true and lively faith, insomuch that by them a lively faith may be as evidently known, as a tree discerned by the fruit.

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#### XIII.—*Of Works before Justification.*

Works done before the grace of Christ, and the inspiration of his Spirit, are not pleasant to God, forasmuch as they spring not of faith in Jesus Christ, neither do they make men meet to receive grace, (or as the school-authors say,) deserve grace of congruity: yea, rather for that they are not done as God hath willed and commanded them to be done, we doubt not but they have the nature of sin.

#### XIV.—*Of Works of Supererogation.*

Voluntary works besides, over and above, God's commandments, which they call Works of Supererogation, cannot be taught without arrogancy and impiety. For by them men do declare, that they do

not only render unto God as much as they are bound to do, but that they do more for His sake, than of bounden duty is required : Whereas Christ saith plainly, When ye have done all that are commanded to you, say, We are unprofitable servants.

### XV.—*Of Christ alone without Sin.*

Christ in the truth of our nature, was made like unto us in all things, sin only except, from which he was clearly void, both in his flesh, and in his spirit. He came to be the Lamb without spot, who, by sacrifice of himself once made, should take away the sins of the world : and sin, as Saint John saith, was not in him. But all we the rest, although baptized and born again in Christ, yet offend in many things, and if we say, we have no sin, we deceive ourselves, and the truth is not in us.

### XVI.—*Of Sin after Baptism.*

Not every deadly sin, willingly committed after Baptism, is sin against the Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after Baptism. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God we may arise again, and amend our lives. And therefore they are to be condemned, which say, they can no more sin as long as they live here, or deny the place of forgiveness to such as truly repent.

### XVII.—*Of Predestination and Election.*

Predestination to life is the everlasting purpose of God, whereby (before the foundations of the world were laid) he hath constantly decreed by his counsel secret to us, to deliver from curse and damnation those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation, as vessels made to honour. Wherefore they which be endued with so excellent a benefit of God, be called according to God's purpose by his Spirit working in due season ; they through grace obey the calling : they be justified freely : they be made sons of God by adoption : they be made like the image of his only-begotten Son Jesus Christ : they walk religiously in good works, and at length, by God's mercy, they attain to everlasting felicity.

As the godly consideration of Predestination, and our Election in Christ is full of sweet, pleasant and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their mind to high and heavenly things, as well because it doth greatly establish and confirm their faith of eternal salvation, to be enjoyed through Christ, as because it doth fervently kindle their love towards God : so, for curious and carnal persons, lacking the Spirit of Christ, to have continually before their eyes the sentence of God's Predestination, is a most dangerous downfal, where-

by the Devil doth thrust them either into desperation, or into wretchedness of most unclean living, no less perilous than desperation.

Furthermore, we must receive God's promises in such wise, as they be generally set forth to us in Holy Scripture: And in our doings, that will of God is to be followed, which we have expressly declared unto us in the Word of God.

APP. (A.)

### XVIII.—*Of obtaining eternal Salvation only by the Name of Christ.*

They also are to be had assured that presume to say, That every man shall be saved by the Law or Sect which he professeth, so that he be diligent to frame his life according to that Law, and the light of nature. For Holy Scripture doth set out unto us only the name of Jesus Christ, whereby men must be saved.

### XIX.—*Of the Church.*

The visible Church of Christ is a congregation of faithful men, in the which the pure Word of God is preached, and the Sacraments be duly ministered according to Christ's Ordinance, in all those things that of necessity are requisite to the same.

As the Church of Jerusalem, Alexandria, and Antioch, have erred; so also the Church of Rome hath erred, not only in their living and manner of Ceremonies, but also in matters of Faith.

### XX.—*Of the Authority of the Church.*

The Church hath power to decree Rites or Ceremonies, and authority in controversies of Faith: And yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of Holy Writ, yet as it ought not to decree any thing against the same, so besides the same ought it not to enforce any thing to be believed for necessity of salvation.

### XXI.—*Of the Authority of General Councils.*

General Councils may not be gathered together without the commandment and will of Princes. And when they be gathered together (forasmuch as they be an assembly of men, whereof all be not governed with the Spirit and Word of God) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to Salvation, have neither strength nor authority, unless it may be declared that they be taken out of Holy Scripture.

### XXII.—*Of Purgatory.*

The Romish Doctrine concerning Purgatory, Pardons, worshipping and Adoration, as well of Images as of Reliques, and also invocation of Saints, is a fond thing vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the Word of God.

**XXIII.—*Of Ministering in the Congregation.***

It is not lawful for any man to take upon him the office of publick preaching, or ministering the Sacraments in the congregation, before he be lawfully called and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have publick authority given unto them in the congregation, to call and send Ministers into the Lord's vineyard.

**XXIV.—*Of speaking in the Congregation in such a Tongue as the People understandeth.***

It is a thing plainly repugnant to the Word of God, and the custom of the Primitive Church, to have publick Prayer in the Church, or to minister the Sacraments in a Tongue not understood of the people.

**XXV.—*Of the Sacraments.***

Sacraments ordained of Christ be not only badges or tokens of Christian men's profession, but rather they be certain sure witnesses, and effectual signs of grace, and God's good-will towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our Faith in him.

There are two Sacraments ordained of Christ our Lord in the Gospel, that is to say, Baptism and the Supper of the Lord.

Those five commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and Extreme Unction, are not to be counted for Sacraments of the Gospel, being such as have grown, partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures; but yet have not like nature of Sacraments with Baptism, and the Lord's Supper, for that they have not any visible sign or ceremony ordained of God.

The Sacraments were not ordained of Christ to be gazed upon, or to be carried about; but that we should duly use them. And in such only, as worthily receive the same, they have a wholesome effect or operation: but they that receive them unworthily, purchase to themselves damnation, as Saint Paul saith.

**XXVI.—*Of the Unworthiness of the Ministers, which hinders not the effect of the Sacrament.***

Although in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the ministration of the Word and Sacraments, yet forasmuch as they do not the same in their own name, but in Christ's, and do minister by his commission and authority, we may use their ministry, both in hearing the Word of God, and in receiving of the Sacraments. Neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such, as by faith and rightly

do receive the Sacraments ministered unto them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men.

APP. (A.)

Nevertheless, it appertaineth to the discipline of the Church, that enquiry be made of evil Ministers, and that they be accused by those that have knowledge of their offences: and finally being found guilty, by just judgment be deposed.

### XXVII.—*Of Baptism.*

Baptism is not only a sign of profession, and mark of difference whereby Christian men are discerned from other that be not christened: but it is also a sign of Regeneration or new Birth, whereby, as by an instrument, they that receive Baptism rightly are grafted into the Church: the promises of forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed; faith is confirmed, and grace increased by virtue of prayer unto God. The Baptism of young Children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.

### XXVIII.—*Of the Lord's Supper.*

The Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another; but rather is a Sacrament of our redemption by Christ's death; insomuch that to such as rightly, worthily, and with faith, receive the same, the bread which we break is a partaking of the body of Christ; and likewise the cup of blessing is a partaking of the blood of Christ.

Transubstantiation (or the change of the substance of bread and wine) in the Supper of the Lord, cannot be proved by Holy Writ: but is repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions.

The body of Christ is given, taken, and eaten in the Supper, only after an heavenly and spiritual manner. And the mean whereby the body of Christ is received and eaten in the Supper, is Faith.

The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

### XXIX.—*Of the Wicked, which eat not the Body of Christ, in the use of the Lord's Supper.*

The wicked, and such as be void of a lively Faith, although they do carnally and visibly press with their teeth (as Saint Augustine saith,) the Sacrament of the body and blood of Christ: yet in no wise are they partakers of Christ; but rather, to their condemnation, do eat and drink the sign or Sacrament of so great a thing.

### XXX.—*Of both kinds.*

The Cup of the Lord is not to be denied to the Lay-people: for both the parts of the Lord's Sacrament, by Christ's ordinance and commandment, ought to be ministered to all Christian men alike.

**XXXI.—*Of the one Oblation of Christ finished upon the Cross.***

The Offering of Christ once made, is that perfect Redemption, Propitiation, and Satisfaction for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone. Wherefore the sacrifice of Masses, in the which it was commonly said, that the priest did offer Christ for the quick and the dead, to have remission of pain or guilt, were blasphemous fables, and dangerous deceits.

**XXXII.—*Of the Marriage of Priests.***

Bishops, Priests, and Deacons, are not commanded by God's Law, either to vow the estate of single life, or to abstain from Marriage: therefore it is lawful for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness.

**XXXIII.—*Of excommunicate Persons, how they are to be avoided.***

That Person which, by open denunciation of the Church, is rightly cut off from the unity of the Church, and excommunicated, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be openly reconciled by penance, and received into the Church by a Judge that hath authority thereunto.

**XXXIV.—*Of the Traditions of the Church.***

It is not necessary that Traditions and Ceremonies be in all places one, and utterly like; for at all times they have been divers, and may be changed according to the diversities of countries, times, and men's manners, so that nothing be ordained against God's word. Whosoever through his private judgment, willingly and purposely doth openly break the traditions and ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly (that others may fear to do the like) as he that offendeth against the common order of the Church, and hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethren.

Every particular or national Church hath authority to ordain, change, and abolish, ceremonies or rites of the Church, ordained only by man's authority, so that all things be done to edifying.

**XXXV.—*Of the Homilies.***

The second Book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome doctrine, and necessary for these times, as doth the former Book of Homilies, which were set forth in the time of *Edward the Sixth*; and therefore we judge them to be read in Churches by the ministers, diligently and distinctly, that they may be understood of the People.

*Of the Names of the Homilies.*

APP. (A.)

1. Of the Right use of the Church.
2. Against peril of Idolatry.
3. Of repairing and keeping clean of Churches.
4. Of good Works: first of Fast-ing.
5. Against Gluttony and Drunken-ness.
6. Against Excess of Apparel.
7. Of Prayer.
8. Of the Place and Time of Prayer.
9. That Common Prayers and Sa-craments ought to be minis-tered in a known tongue.
10. Of the reverend estimation of God's Word.
11. Of Alms-doing.
12. Of the Nativity of Christ.
13. Of the Passion of Christ.
14. Of the Resurrection of Christ.
15. Of the worthy receiving of the Sacrament of the Body and Blood of Christ.
16. Of the Gifts of the Holy Ghost.
17. For the Rogation-days.
18. Of the state of Matrimony.
19. Of Repentance.
20. Against Idleness.
21. Against Rebellion.

*XXXVI.—Of Consecration of Bishops and Ministers.*

The Book of Consecration of Archbishops and Bishops and Ordering of Priests and Deacons, lately set forth in the time of *Edward the Sixth*, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such Consecration and Ordering, neither hath it any thing, that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the Rites of that Book, since the second year of the forenamed King *Edward* unto this time, or hereafter shall be consecrated or ordered according to the same Rites; we decree all such to be rightly, orderly, and lawfully consecrated and ordered.

*XXXVII.—Of the Civil Magistrates.*

The King's Majesty hath the chief power in this Realm of *England*, and other his Dominions, unto whom the chief Government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign Jurisdiction.

Where we attribute to the King's Majesty the chief government, by which Titles we understand the minds of some slanderous folks to be offended; we give not to our Princes the ministering either of God's Word, or of the Sacraments, the which thing the Injunctions also lately set forth by *Elizabeth* our Queen do most plainly testify; but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God himself; that is, that they should rule all states and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evil-doers.

The Bishop of Rome hath no jurisdiction in this Realm of *England*.

The Laws of the Realm may punish Christian men with death, for heinous and grievous offences.

It is lawful for Christian men, at the commandment of the Magis-trate, to wear weapons, and serve in the wars.

### XXXVIII.—*Of Christian men's Goods, which are not common.*

The Riches and Goods of Christians are not common, as touching the right, title, or possession of the same, as certain Anabaptists do falsely boast. Notwithstanding, every man ought, of such things as he possesseth, liberally to give alms to the poor, according to his ability.

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### XXXIX.—*Of a Christian man's Oath.*

As we confess that vain and rash Swearing is forbidden Christian men by our Lord Jesus Christ, and James his Apostle, so we judge, that Christian Religion doth not prohibit, but that a man may swear when the Magistrate requireth, in a cause of faith and charity, so it be done according to the Prophet's teaching, in justice, judgment, and truth.

## THE RATIFICATION.

*This Book of Articles before rehearsed, is again approved, and allowed to be holden and executed within the Realm, by the assent and consent of our Sovereign Lady ELIZABETH, by the grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. Which Articles were deliberately read, and confirmed again by the subscription of the hands of the Archbishops and Bishops of the Upper-house, and by the subscription of the whole Clergy of the Nether-house in their Convocation, in the Year of our Lord 1571.*

## A TABLE OF THE ARTICLES.

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| 1. <i>Of Faith in the Holy Trinity.</i>          | 22. <i>Of Purgatory.</i>                                   |
| 2. <i>Of Christ the Son of God.</i>              | 23. <i>Of Ministering in the Congregation.</i>             |
| 3. <i>Of his going down into Hell.</i>           | 24. <i>Of speaking in the Congregation.</i>                |
| 4. <i>Of his Resurrection.</i>                   | 25. <i>Of the Sacraments.</i>                              |
| 5. <i>Of the Holy Ghost.</i>                     | 26. <i>Of the Unworthiness of Ministers.</i>               |
| 6. <i>Of the Sufficiency of the Scriptures.</i>  | 27. <i>Of Baptism.</i>                                     |
| 7. <i>Of the Old Testament.</i>                  | 28. <i>Of the Lord's Supper.</i>                           |
| 8. <i>Of the Three Creeds.</i>                   | 29. <i>Of the Wicked which eat not the Body of Christ.</i> |
| 9. <i>Of Original or Birth-sin.</i>              | 30. <i>Of both kinds.</i>                                  |
| 10. <i>Of Free-Will.</i>                         | 31. <i>Of Christ's one Oblation.</i>                       |
| 11. <i>Of Justification.</i>                     | 32. <i>Of the Marriage of Priests.</i>                     |
| 12. <i>Of Good Works.</i>                        | 33. <i>Of excommunicate Persons.</i>                       |
| 13. <i>Of Works before Justification.</i>        | 34. <i>Of the Traditions of the Church.</i>                |
| 14. <i>Of Works of Supererogation.</i>           | 35. <i>Of the Homilies.</i>                                |
| 15. <i>Of Christ alone without Sin.</i>          | 36. <i>Of Consecrating of Ministers.</i>                   |
| 16. <i>Of Sin after Baptism.</i>                 | 37. <i>Of Civil Magistrates.</i>                           |
| 17. <i>Of Predestination and Election.</i>       | 38. <i>Of Christian men's Goods.</i>                       |
| 18. <i>Of obtaining Salvation by Christ.</i>     | 39. <i>Of a Christian man's Oath.</i>                      |
| 19. <i>Of the Church.</i>                        | <i>The Ratification.</i>                                   |
| 20. <i>Of the Authority of the Church.</i>       |  |
| 21. <i>Of the Authority of General Councils.</i> |  |

## A P P E N D I X. (B.)

### CONSTITUTIONS AND CANONS ECCLESIASTICAL.

APP. (B )  
Canons and  
Constitutions.  
[ ]

Treated upon by the Bishop of London, President of the Convocation for the Province of Canterbury, and the rest of the Bishops and the Clergy of the said Province; and agreed upon with the King's Majesty's License, in their Synod begun at London, Anno Dom. 1603, and in the Year of the Reign of our Sovereign Lord James, by the Grace of God, King of England, France, and Ireland, the First, and of Scotland the Thirty-seventh: And now published for the due Observation of them, by His Majesty's Authority under the Great Seal of England.

James, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. to all to whom these presents shall come, greeting: Whereas Our Bishops, Deans of Our Cathedral Churches, Archdeacons, Chapters, and Colleges, and the other Clergy of every Diocese within the Province of Canterbury, being summoned and called by virtue of Our Writ directed to the Most Reverend Father in God, John, late Archbishop of Canterbury, and bearing date the One and Thirtieth day of January, in the First Year Of Our Reign of England, France, and Ireland, and of Scotland the Thirty-seventh, to have appeared before him in Our Cathedral Church of St. Paul in London, the Twentieth day of March then next ensuing, or elsewhere, as he should have thought it most convenient, to treat, consent, and conclude upon certain difficult and urgent Affairs mentioned in the said Writ; did thereupon, at the time appointed, and within the Cathedral Church of St. Paul aforesaid, assemble themselves, and appear in Convocation for that purpose, according to Our said Writ, before the Right Reverend Father in God, Richard, Bishop of London, duly (upon a second Writ of Our's dated the Ninth day of March aforesaid,) authorized, appointed, and constituted, by reason of the said Archbishop of Canterbury his Death, President of the said Convocation, to execute those things, which by virtue of Our first Writ, did appertain to him the said Archbishop to have executed, if he had lived: We, for divers urgent and weighty Causes and Considerations Us thereunto specially moving, of Our especial Grace, certain Knowledge, and mere Motion, did by virtue

of Our Prerogative Royal, and supreme Authority in Causes Ecclesiastical, give and grant by Our several Letters Patent under Our Great Seal of England, the one dated the Twelfth day of April last past, and the other the Twenty-fifth day of June then next following, full, free, and lawful Liberty, License, Power, and Authority, unto the said Bishop of London, President of the said Convocation, and to the other Bishops, Deans, Archdeacons, Chapters, and Colleges, and the rest of the Clergy before-mentioned, of the said Province, that they, from time to time, during Our first Parliament now prorogued, might confer, treat, debate, consider, consult, and agree of and upon such Canons, Orders, Ordinances, and Constitutions, as they should think necessary, fit, and convenient, for the Honour and Service of Almighty God, the good and the quiet of the Church, and the better Government thereof, to be from time to time observed, performed, fulfilled, and kept, as well by the Archbishop of Canterbury, the Bishops, and their Successors, and the rest of the whole Clergy of the said Province of Canterbury, in their several Callings, Offices, Functions, Ministries, Decrees, and Administrations; as also by all and every Dean of the Arches, and other Judge of the said Archbishop's Courts, Guardians of Spiritualities, Chancellors, Deans and Chapters, Archdeacons, Commissaries, Officials, Registers, and all and every other Ecclesiastical Officers, and their inferior Ministers, whatsoever, of the same Province of Canterbury, in their and every of their distinct Courts, and in the order and manner of their and every of their Proceedings; and by all other Persons within this Realm, as far as lawfully, being members of the Church, it may concern them, as in Our said Letters Patents, among other clauses more at large doth appear. Forasmuch as the Bishop of London, President of the said Convocation, and others, the said Bishops, Deans, Archdeacons, Chapters, and Colleges, with the rest of the Clergy, having met together at the time and place before-mentioned, and then and there, by virtue of Our said Authority granted unto them, treated of, concluded, and agreed upon, certain Canons, Orders, Ordinances, and Constitutions, to the end and purpose by Us limited and prescribed unto them; and have thereupon offered and presented the same unto Us, most humbly desiring Us to give Our Royal Assent unto their said Canons, Orders, Ordinances, and Constitutions, according to the form of a certain Statute or Act of Parliament, made in that behalf in the Twenty-fifth year of the Reign of King Henry the Eighth, and by Our said Prerogative Royal and Supreme Authority in Causes Ecclesiastical, to ratify by Our Letters Patents under Our Great Seal of England, and to confirm the same; the Title and Tenor of them being word for word as ensueth:

**Constitutions and Canons Ecclesiastical of the Church of England.**

**I.—*The King's Supremacy over the Church of England, in Causes Ecclesiastical, to be maintained.***

As our duty to the King's most excellent Majesty required, we first decree and ordain, that the Archbishop of Canterbury, (from time to

time), all Bishops of this Province, all Deans, Archdeacons, Parsons, Vicars, and all other Ecclesiastical Persons, shall faithfully keep and observe, and (as much as in them lieth) shall cause to be observed and kept of others, all and singular Laws and Statutes, made for restoring to the Crown of this Kingdom the ancient Jurisdiction over the State Ecclesiastical, and abolishing of all foreign Power repugnant to the same. Furthermore, all Ecclesiastical Persons having Cure of Souls, and all other Preachers, and Readers of Divinity Lectures, shall, to the uttermost of their wit, knowledge, and learning, purely and sincerely, without any Colour or Dissimulation, teach, manifest, open, and declare, four times every year, at the least in their Sermons, and other Collations and Lectures, that all usurped and foreign Power (forasmuch as the same hath no establishment nor ground by the Law of God) is for most just causes taken away and abolished: and that therefore no manner of Obedience, or Subjection, within his Majesty's Realm and Dominions, is due unto any such foreign Power, but that the King's Power, within his Realms of England, Scotland, and Ireland, and all other his Dominions and Countries, is the highest Power under God; to whom all Men, as well inhabitants as born within the same, do by God's Laws owe most Loyalty and Obedience, afore and above all other Powers and Potentates in the Earth.

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#### 2.—*Impugners of the King's Supremacy censured.*

Whosoever shall hereafter affirm, That the King's Majesty hath not the same Authority in causes Ecclesiastical, that the godly Kings had amongst the Jews and Christian Emperors of the primitive Church; or impeach any Part of his Regal Supremacy in the said Causes restored to the Crown, and by the Laws of this Realm therein established; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance and publick Revocation of those his wicked Errors.

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#### 3.—*The Church of England, a True and Apostolical Church.*

Whosoever shall hereafter affirm, that the Church of England, by Law established under the King's Majesty, is not a true and Apostolical Church, teaching and maintaining the Doctrine of the Apostles; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance, and publick Revocation of this his wicked Error.

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#### 4.—*Impugners of the publick Worship of God establish'd in the Church of England, censured.*

Whosoever shall hereafter affirm, That the Form of God's Worship in the Church of England, established by law, and contained in the Book of Common Prayer and Administration of Sacraments, is a corrupt, superstitious, or unlawful Worship of God, or containeth anything in it that is repugnant to the Scriptures; let him be excommu-

nicated *ipso facto*, and not restored, but by the Bishop of the place, or Archbishop, after his Repentance, and public Revocation of such his wicked Errors.

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*5.—Impugners of the Articles of Religion established in the Church of England, censured.*

Whosoever shall hereafter affirm, That any of the nine and thirty Articles agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the Convocation holden at London, in the Year of our Lord God one thousand five hundred and sixty-two, for avoiding Diversities of Opinions, and for establishing of Consent touching true Religion, are in any part superstitious or erroneous, or such as he may not with good conscience subscribe unto; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance, and public Revocation of such his wicked Errors.

*6.—Impugners of the Rites and Ceremonies established in the Church of England, censured.*

Whosoever shall hereafter affirm, That the Rites and Ceremonies of the Church of England by Law established are wicked, antichristian, or superstitious, or such as being commanded by lawful authority, men who are zealously and godly affected, may not with any good conscience approve them, use them, or as occasion requireth, subscribe unto them; let him be excommunicated *ipso facto*, and not restored until he repent, and publickly revoke such his wicked Errors.

*7.—Impugners of the Government of the Church of England by Archbishops, Bishops, &c. censured.*

Whosoever shall hereafter affirm, That the Government of the Church of England, under His Majesty, by Archbishops, Bishops, Deans, Archdeacons, and the rest that bear office in the same, is antichristian and repugnant to the Word of God; let him be excommunicated *ipso facto*, and so continued, until he repent, and publickly revoke such his wicked Errors.

*8.—Impugners of the Form of consecrating and ordering Archbishops, Bishops, &c. in the Church of England, censured.*

Whosoever shall hereafter affirm or teach, That the Form and Manner of making and consecrating Bishops, Priests, and Deacons, containeth any thing in it that is repugnant to the Word of God; or that they who are made Bishops, Priests, or Deacons, in that form, are not lawfully made nor ought to be accounted, either by themselves or others, to be truly either Bishops, Priests, or Deacons, until they have some other calling to those Divine Offices; let him be excommunicated *ipso facto*, not to be restored, until he repent, and publickly revoke such his wicked Errors.

**9.—Authors of Schism in the Church of England, censured.**

Whosoever shall hereafter separate themselves from the Communon of Saints, as it is approved by the Apostles' Rules, in the Church of England, and combine themselves together in a new Brotherhood, accounting the Christians, who are conformable to the Doctrine, Government, Rites, and Ceremonies of the Chuch of England, to be profane, and unmeet for them to joun with in Christian profession, let them be excommunicated *ipso facto*, and not restored but by the Archbishop, after their Repentance, and publick Revocation of such their wicked Errors.

**10.—Maintainers of the Schismaticks in the Church of England, censured.**

Whosoever shall hereafter affirm, that such Ministers, as refuse to subscribe to the form and manner of God's Worship in the Church of England, prescribed in the Communon-book, and their Adherents, may truly take unto them the name of another Church, not established by Law, and dare presume to publish it. That this there pretended Church hath of long time groaned under the burden of certain grievances imposed upon it, and upon the members thereof before mentioned, by the Church of England, and the Orders and Constitutions therin by Law established; let them be excommunicated, and not restored, until they repent, and publickly revoke such their wicked Errors.

**11.—Maintainers of Conventicles, censured.**

Whosoever shall hereafter affirm or maintain, That there are within this Realm other Meetings, Assemblies, or Congregations of the King's born Subjects, than such as by the Laws of this land are held and allowed, which may rightly challenge to themselves the name of true and lawful Churches; let him be excommunicated, and not restored, but by the Archibishop, after his Repentance, and public Revocation of such his wicked Errors.

**12.—Maintainers of Constitutions made in Conventicles, censured.**

Whosoever shall hereafter affirm, that it is lawful for any sort of Ministers, and Lay Persons, or of either of them, to join together, and make rules, orders, or constitutions in Causes Ecclesiastical, without the King's Authority, and shall submit themselves to be ruled and governed by them; let them be excommunicated *ipso facto*, and not be restored, until they repent, and publickly revoke those their wicked and Anabaptistical Errors.

**Of Divine Service, and Administration of the Sacraments.**

**13.—Due Celebration of Sundays and Holy-days.**

All manner of Persons within the Church of England shall from henceforth celebrate and keep the Lord's Day, commonly called Sunday,

and other Holy-days, according to God's holy will and pleasure, and the Orders of the Church of England prescribed in that behalf; that is, in hearing the Word of God read and taught; in private and publick Prayers: in acknowledging their offences to God, and amendment of the same; in reconciling themselves charitably to their neighbours, where displeasure hath been; in oftentimes receiving the Communion of the Body and Blood of Christ: in visiting of the Poor and Sick; using all godly and sober conversation.

**14.—*The prescript Form of Divine Service to be used on Sundays and Holy-days.***

The Common Prayer shall be said or sung distinctly and reverently upon such days as are appointed to be kept holy by the Book of Common Prayer, and their Eves, and at convenient and usual times of those days, and in such place of every Church, as the Bishop of the Diocese or Ecclesiastical Ordinary of the place shall think meet, for the largeness or straitness of the same, so as the People may be most edified. All Ministers likewise shall observe the Orders, Rites, and Ceremonies prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures, and saying of Prayers, as in administration of the Sacraments, without either diminishing in regard of preaching, or in any other respect, or adding any thing in the matter or form thereof.

**15.—*The Litany to be read on Wednesdays and Fridays.***

The Litany shall be said or sung when, and as, it is set down in the Book of Common Prayer, by the Parsons, Vicars, Ministers, or Curates, in all Cathedral, Collegiate, Parish Churches, and Chapels, in some convenient Place, according to the discretion of the Bishop of the Diocese or Ecclesiastical Ordinary of the place. And that we may speak more particularly, upon Wednesdays and Fridays weekly, though they be not Holy-days, the Minister, at the accustomed hour of service shall resort to the Church or Chapel, and warning being given to the People by tolling of a Bell, shall say the Litany prescribed in the Book of Common Prayer: whereunto we wish every householder dwelling within half a mile of the Church, to come, or send one at the least of his household, fit to join with the Minister in Prayers.

**16.—*Colleges to use the prescript Form of Divine Service.***

In the whole Divine Service, and Administration of the holy Communion in all Colleges and Halls in both Universities, the Order, Form and Ceremonies shall be duly observed, as they are set down and prescribed in the Book of Common Prayer, without any omission or alteration.

**17.—*Students in Colleges to wear Surplices in time of Divine Service.***

All Masters and Fellows of Colleges or Halls, and all Scholars and Students in either of the Universities, shall, in their Churches and Chapels, upon all Sundays, Holy-days, and their Eves, at the time

of Divine Service, wear Surplices according to the Order of the Church of England; and such as are Graduates, shall agreeably wear with their Surplices, such Hoods as do severally appertain unto their degrees.

**18.—*A Reverence and Attention to be used within the Church in time of Divine Service.***

In the time of Divine Service, and of every part thereof, all due reverence is to be used, for it is according to the Apostles' rule, Let all things be done decently and according to order; answerably to which decency and order we judge these our directions following: No man shall cover his head in the Church or Chapel, in the time of Divine Service, except he have some infirmity; in which case let him wear a night-cap or coif. All manner of persons then present shall reverently kneel upon 'heir knees, when the general Confession, Litany, and other Prayers are read: and shall stand up at the saying of the Belief, according to the rules in that behalf prescribed in the Book of Common Prayer; and likewise when in time of Divine Service the Lord Jesus shall be mentioned, due and lowly reverence shall be done by all persons present, as it hath been accustomed; testifying by these outward Ceremonies and gestures, their inward humility, Christian resolution, and due acknowledgment, that the Lord Jesus Christ, the true eternal Son of God, is the only Saviour of the world, in whom alone all the mercies, graces, and promises of God to Mankind, for this life and the life to come, are fully and wholly comprised. None, either man, woman, or child, of what calling soever, shall be otherwise at such times busied in the Church, than in quiet attendance to hear, mark, and understand that which is read, preached, or ministered; saying in their due places audibly with the Minister, the Confession, the Lord's Prayer, and the Creed; and make such other answers to the publick Prayers, as are appointed in the Book of Common Prayer; neither shall they disturb the Service, or Sermon, by walking, or talking, or any other way; nor depart out of the Church, during the time of Service, or Sermon, without some urgent or reasonable cause.

**19.—*Loiterers not to be suffered near the Church in time of Divine Service.***

The Churchwardens or Questmen, and their Assistants, shall not suffer any idle persons to abide, either in the Church-yard, or Church-porch, during the time of Divine Service, or Preaching; but shall cause them either to come in or to depart.

**20.—*Bread and Wine to be provided against every Communion.***

The Churchwardens of every Parish, against the time of every Communion, shall at the charge of the Parish, with the advice and direction of the Minister, provide a sufficient quantity of fine white Bread, and of good and wholesome Wine, for the number of Communicants that shall

from time to time receive there: which Wine we require to be brought to the Communion Table in a clean and sweet standing pot or stoop of pewter, if not of purer metal.

**21.—*The Communion to be Thrice a Year received.***

In every Parish-church and Chapel, where Sacraments are to be administered within this realm, the Holy Communion shall be ministered by the Parson, Vicar, or Minister so often, and at such times, as every Parishioner may communicate at the least Thrice in the Year, (whereof the feast of Easter to be one,) according as they are appointed by the Book of Common Prayer. Provided, that every Minister, as oft as he administereth the Communion, shall first receive the Sacrament himself. Furthermore, no Bread or Wine newly brought, shall be used, but first the words of institution shall be rehearsed, when the said Bread and Wine be present upon the Communion Table. Likewise the Minister shall deliver both the Bread and Wine to every Communicant severally.

**22.—*Warning to be given beforehand for the Communion.***

Whereas every Lay Person is bound to receive the Holy Communion Thrice every Year, and many notwithstanding do not receive that Sacrament once in a Year; we do require every Minister to give warning to his Parishioners publickly in the Church at Morning Prayer, the Sunday before every time of his administrating that holy Sacrament, for their better preparation of themselves; which said warning we enjoin the said Parishioners, to accept and obey, under the penalty and danger of the law.

**23.—*Students in Colleges to receive the Communion Four times a Year.***

In all Colleges and Halls within both the Universities, the Masters and Fellows, such especially as have any Pupils, shall be careful that all their said Pupils, and the rest that remain amongst them, be well brought up, and thoroughly instructed in points of Religion, and that they do diligently frequent publick Service, and Sermons, and receive the holy Communion; which we ordain to be administrated in all such Colleges and Halls the first or second Sunday of every month, requiring all the said Masters, Fellows, and Scholars, and all the rest of the Students, Officers, and all other the servants there so to be ordered that every one of them shall communicate four times in the year at the least, kneeling reverently and decently upon their knees, according to the order of the Communion Book prescribed in that behalf.

**24.—*Copes to be worn in Cathedral Churches by those that administer the Communion.***

In all Cathedral and Collegiate Churches, the Holy Communion shall be administrated upon principal Feast-days, sometimes by the Bishop, if he be present, and sometimes by the Dean, and at sometimes

by a Canon, or Prebendary, the principal Minister using a decent Cope, and being assisted with the Gospeller and Epistler agreeably, according to the advertisements published *Anno 7 Eliz.* The said Communion to be administrated at such times, and with such limitation, as is specified in the Book of Common Prayer. Provided, that no such limitation by any construction shall be allowed of, but that all Deans, Wardens, Masters or heads of Cathedral and Collegiate Churches, Prebendaries, Canons, Vicars, Petty-Canons, Singing-men, and all others of the Foundation, shall receive the Communion four times yearly at the least.

APP. (B )  
Canons and  
Constitutions.

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**25.—Surplices and Hoods to be worn in Cathedral Churches, when there is no Communion.**

In the time of Divine Service and Prayers in all Cathedral and Collegiate Churches, when there is no Communion, it shall be sufficient to wear Surplices; saving that all Deans, Masters, and heads of Collegiate Churches, Canons, and Prebendaries, being Graduates, shall daily at the times both of Prayer and Preaching, wear with their Surplices, such Hoods as are agreeable to their degrees.

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**26.—Notorious Offenders not to be admitted to the Communion.**

No Minister shall in any wise admit to the receiving of the Holy Communion, any of his cure or flock, which be openly known to live in Sin notorious without repentance; nor any who have maliciously and openly contended with their neighbours, until they shall be reconciled; nor any Churchwardens or Sidemen, who having taken their oaths, to present to their Ordinaries all such public offences, as they are particularly charged to enquire of in their several Parishes, shall (notwithstanding their said oaths, and that their faithful discharging of them is the chief means whereby public Sins and Offences may be reformed and punished) wittingly and willingly, desperately and irreligiously incur the horrible crime of perjury, either in neglecting or in refusing to present such of the said enormities and public offences, as they know themselves to be committed in their said Parishes, or are notoriously offensive to the Congregation there; although they be urged by some of their Neighbours, or by their Minister, or by their Ordinary himself, to discharge their consciences by presenting of them, and not to incur so desperately the said horrible sin of perjury.

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**27.—Schismaticks not to be admitted to the Communion.**

No Minister, when he celebrateth the Communion, shall wittingly administer the same to any but to such as kneel, under pain of suspension, nor under the like pain to any that refuse to be present at publick Prayers, according to the Orders of the Church of England; nor to any that are common and notorious depravers of the Book of Common Prayer and Administration of the Sacraments, and of the Orders, Rites and Ceremonies therein prescribed, or of any thing that

is contained in any of the Articles agreed upon in the Convocation, one thousand, five hundred, sixty and two, or of any thing contained in the Book of ordering Priests and Bishops, or to any that have spoken against and depraved his Majesty's Sovereign Authority in Causes Ecclesiastical; except every such Person shall first acknowledge to the Minister before the Churchwardens his Repentance for the same, and promise by word (if he cannot write) that he will do so no more; and except (if he can write) he shall first do the same under his hand-writing, to be delivered to the Minister, and by him sent to the Bishop of the Diocese, or Ordinary of the Place, provided, that every Minister so repelling any, as is specified either in this or in the next precedent constitution, shall, upon complaint, or being required by the Ordinary, signify the cause thereof unto him, and therein obey his order and direction.

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*28.—Strangers not to be admitted to the Communion.*

The Churchwardens or Questmen, and their Assistants, shall mark, as well as the Minister, whether all and every of the Parishioners come so often every Year to the Holy Communion, as the Laws and our Constitutions do require; and whether any Stranger come often and commonly from other Parishes to their Church; and shall shew their Minister of them, lest perhaps they be admitted to the Lord's Table amongst others, which they shall forbid: and remit such home to their own Parish Churches and Ministers, there to receive the Communion with the rest of their own neighbours.

*29.—Fathers not to be Godfathers in Baptism, and Children not Communicants.*

No Parent shall be urged to be present, nor be admitted to answer as Godfather for his own Child; nor any Godfather and Godmother shall be suffered to make any other answer or speech, than by the Book of Common Prayer is prescribed in that behalf: neither shall any person be admitted Godfather or Godmother to any Child at Christening or Confirmation, before the said Person so undertaking hath received the Holy Communion.

*30.—The lawful use of the Cross in Baptism, explained.*

We are sorry that His Majesty's most princely care and pains taken in the conference at Hampton Court, amongst many other points, touching this one of the Cross in Baptism, hath taken no better effect with many, but that still the use of it in Baptism is so greatly stuck at and impugned. For the further declaration therefore of the true use of this Ceremony, and for the removing of all such scruples, as might any ways trouble the consciences of them who are indeed rightly religious, following the royal steps of our most worthy King, because he therein followeth the rules of the Scriptures, and the practice of the Primitive Church; we do commend to all the true Members of the Church of England these our directions and observations ensuing.

First, it is to be observed, that although the Jews and Ethnicks derided both the Apostles and the rest of the Christians, for preaching and believing in him who was crucified upon the Cross; yet all, both Apostles and Christians, were so far from being discouraged from their profession by the Ignominy of the Cross, as they rather rejoiced and triumphed in it. Yea, the Holy Ghost by the mouths of the Apostles did honour the name of the Cross (being hateful among the Jews) so far, that under it he comprehended not only Christ crucified, but the force, effects, and merits of his Death and Passion, with all the comforts, fruits, and promises which we receive or expect thereby.

Secondly, the honour and dignity of the name of the Cross begat a reverend estimation even in the Apostles' times (for aught that is known to the contrary) of the sign of the Cross, which the Christians shortly after used in all their actions; thereby making their outward shew and profession, even to the astonishment of the Jews, that they were not ashamed to acknowledge him for their Lord and Saviour, who died for them upon the Cross. And this sign they did not only use themselves, with a kind of glory, when they met any Jews, but signed therewith their Children, when they were christened, to dedicate them by that badge to his service, whose benefits bestowed upon them in Baptism the name of the Cross did represent. And this use of the sign of the Cross in Baptism was held in the Primitive Church, as well by the Greeks as the Latins with one consent and great applause. At what time, if any had opposed themselves against it, they would certainly have been censured as enemies of the name of the Cross, and consequently of Christ's merits, the sign whereof they could no better endure. This continual and general use of the sign of the Cross is evident by many testimonies of the ancient Fathers.

Thirdly, it must be confessed, that in process of time the sign of the Cross was greatly abused in the Church of Rome, especially after that corruption of Popery had once possessed it. But the abuse of a thing doth not take away the lawful use of it. Nay, so far was it from the purpose of the Church of England, to forsake and reject the Churches of Italy, France, Spain, Germany, or any such like Churches, in all things which they held and practised, that, as the apology of the Church of England confesseth, it doth with reverence retain those ceremonies, which do neither endamage the Church of God, nor offend the minds of sober men; and only departed from them in those particular points wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches which were their first Founders. In which respect, amongst some other very ancient ceremonies, the sign of the Cross in Baptism hath been retained in this Church, both by the judgment and practice of those Reverend Fathers and great Divines in the days of King Edward the Sixth, of whom some constantly suffered for the profession of the truth; and others being exiled in the time of Queen Mary, did, after their return, in the beginning of the reign of our late dread Sovereign, continually defend and use the same. This resolution and practice of our Church hath been allowed and approved by the censure upon the Communion-book in King Edward the Sixth his days, and by the harmony of Confessions of latter years: because

indeed the use of this sign in Baptism was ever accompanied here with such sufficient cautions and exceptions against all Popish superstition and error, as in the like cases are either fit, or convenient.

First, the Church of England, since the abolishing of Popery, hath ever held and taught, and so doth hold and teach still, that the sign of the Cross used in Baptism is no part of the substance of that Sacrament: for when the Minister dipping the Infant in water or laying water upon the face of it (as the manner also is) hath pronounced these words, I baptize thee, in the name of the Father, and of the Son, and of the Holy Ghost, the Infant is fully and perfectly baptized. So as the sign of the Cross being afterwards used, doth neither add any thing to the virtue and perfection of Baptism, nor being omitted doth detract any thing from the effect and substance of it.

Secondly, it is apparent in the Communion-book, that the Infant baptized is, by virtue of Baptism, before it be signed with the sign of the Cross, received into the Congregation of Christ's flock, as a perfect member thereof, and not by any power ascribed unto the sign of the Cross. So that for the very remembrance of the Cross, which is very precious to all them that rightly believe in Jesus Christ, and in the other respects mentioned, the Church of England hath retained still the sign of it in Baptism: following therein the Primitive and Apostolical Churches, and accounting it a lawful outward ceremony and honourable badge, whereby the Infant is dedicated to the service of Him that died upon the Cross, as by the words used in the book of Common Prayer it may appear.

Lastly, the use of the sign of the Cross in Baptism, being thus purged from all Popish superstition and error, and reduced in the Church of England to the primary institution of it, upon those true rules and doctrine concerning things indifferent which are consonant to the word of God, and the judgment of all the ancient Fathers, we hold it the part of every private man, both Minister and other, reverently to retain the true use of it prescribed by publick authority; considering that things of themselves indifferent do in some sort alter their natures, when they are either commanded or forbidden by a lawful Magistrate; and may not be omitted at every man's pleasure contrary to the law when they be commanded, nor used when they are prohibited

#### Ministers, their Ordination, Function, and Charge.

##### 31.—*Four solemn Times appointed for the making of Ministers.*

Forasmuch as the ancient Fathers of the Church, led by examples of the Apostles, appointed Prayers and Fasts to be used at the solemn Ordering of Ministers; and to that purpose allotted certain times, in which only sacred Orders might be given or conferred: We, following their holy and religious examples, do constitute and decree, that no Deacons or Ministers be made or ordained; but only upon the Sundays immediately following *Jejunia quatuor temporum*, commonly called *Ember Weeks*, appointed in ancient time for Prayer and Fasting

(purposely for this cause at their first institution) and so continued at this day in the Church of England: and that this be done in the Cathedral or Parish Church where the Bishop resideth, and in the time of Divine Service, in the presence, not only of the Archdeacon, but of the Dean and two Prebendaries at the least, or (if they shall happen by any lawful cause to be lett or hindered) in the presence of four other grave Persons, being Masters of Arts at the least, and allowed for publick Preachers.

**32.—None to be made Deacon and Minister both in one Day.**

The office of Deacon being a step or degree to the Ministry, according to the judgment of the ancient Fathers and the practice of the Primitive Church: we do ordain and appoint, that hereafter no Bishop shall make any person, of what qualities or gifts soever, a Deacon and a Minister both together upon one day; but that the order in that behalf prescribed in the book of making and consecrating Bishops, Priests, and Deacons, be strictly observed. Not that always every Deacon should be kept from the Ministry for a whole year, when the Bishop shall find good cause to the contrary; but that there being now four times appointed in every year for the Ordination of Deacons and Ministers, there may ever be some time of trial of their behaviour in the office of Deacon, before they be admitted to the order of Priesthood.

**33.—The Titles of such as are to be made Ministers.**

It hath been long since provided by many decrees of the ancient Fathers, that none should be admitted either Deacon or Priest, who had not first some certain place where he might use his function. According to which examples, we do ordain that henceforth no person shall be admitted into Sacred Orders, except he shall at that time exhibit to the Bishop, of whom he desireth imposition of hands, a presentation of himself to some Ecclesiastical Preferment then void in that Diocese; or shall bring to the said Bishop a true and undoubted certificate, that either he is provided of some Church within the said Diocese, where he may attend the cure of souls, or of some Minister's place vacant either in the Cathedral Church of that Diocese, or in some other Collegiate Church therin also situate, where he may execute his Ministry; or that he is a Fellow, or in right as a Fellow, or to be a Conduct or Chaplain in some College in Cambridge or Oxford, or except he be a Master of Arts of five years' standing that liveth at his own charge in either of the Universities; or except by the Bishop himself, that doth ordain him Minister, he be shortly after to be admitted either to some benefice or curateship then void. And if any Bishop shall admit any person into the Ministry, that hath none of these titles, as is aforesaid, then he shall keep and maintain him with all things necessary, till he do prefer him to some ecclesiastical living. And if the said Bishop shall refuse so to do, he shall be suspended by the Archbishop, being assisted with another Bishop, from giving of orders for the space of a year.

**34.—*The quality of such as are to be made Ministers.***

No Bishop shall henceforth admit any person into Sacred Orders, which is not of his own Diocese, except he be either of one of the Universities of this realm, or except he shall bring letters dimissory (so termed) from the Bishop of whose Diocese he is; and desiring to be a Deacon, is three and twenty years old; and to be a Priest, four and twenty years complete; and hath taken some degree of School, in either of the said Universities; or at the least, except he be able to yield an account of his faith in Latin, according to the Articles of Religion approved in the Synod of the Bishops and Clergy of this realm, one thousand five hundred sixty and two, and to confirm the same by sufficient testimonies out of the Holy Scriptures; and except moreover, he shall then exhibit letters testimonial of his good life and conversation, under the seal of some College of Cambridge or Oxford, where before he remained, or of three or four grave Ministers, together with the subscription and testimony of other credible persons, who have known his life and behaviour by the space of three years next before.

**35.—*The examination of such as are to be made Ministers.***

The Bishop, before he admit any person to Holy Orders, shall diligently examine him in the presence of those Ministers that shall assist him at the imposition of hands; and if the said Bishop have any lawful impediment, he shall cause the said Ministers carefully to examine every such person so to be ordered, provided, that they who shall assist the Bishop in examining and laying on of hands, shall be of his Cathedral Church, if they may conveniently be had, or other sufficient Preachers of the same Diocese, to the number of three at the least: and if any Bishop or Suffragan shall admit any to Sacred Orders who is not so qualified, and examined, as before we have ordained, the Archbishop of his Province, having notice thereof, and being assisted therein by one Bishop, shall suspend the said Bishop or Suffragan so offending, from making either Deacons or Priests for the space of two years.

**36.—*Subscription required of such as are to be made Ministers.***

No person shall hereafter be received into the Ministry, nor either by institution or collation admitted to any Ecclesiastical Living, nor suffered to preach, to catechize, or to be a Lecturer or Reader of Divinity in either University, or in any Cathedral or Collegiate Church, city, or market-town, parish-church, chapel, or in any other place within this realm, except he be licensed either by the Archbishop, or by the Bishop of the Diocese where he is to be placed, under their hands and seals, or by one of the two Universities under their seal likewise; and except he shall first subscribe to these three Articles following, in such manner and sort as we have here appointed.

I. That the King's Majesty, under God, is the only Supreme Governor of this Realm, and of all other his Highness's Dominions and

Countries, as well in all spiritual or ecclesiastical things or causes, as temporal; and that no foreign Prince, Person, Prelate, States or Potentate hath, or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within his Majesty's said Realms, Dominion, and Countries.

APP. (B.)  
Canons and  
Constitutions.

II. That the Book of Common Prayer, and of Ordering of Bishops, Priests and Deacons, containeth in it nothing contrary to the Word of God, and that it may lawfully so be used; and that he himself will use the form in the said Book prescribed, and publick Prayer, and Administration of the Sacraments, and none other.

III. That he alloweth the Book of Articles of Religion agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy in the Convocation holden at London in the year of our Lord God one thousand five hundred sixty and two; and that he acknowledgeth all and every the Articles therein contained, being in number nine and thirty, besides the ratification, to be agreeable to the Word of God.

To these three Articles whosoever will subscribe, he shall for the avoiding of all ambiguities, subscribe in this order and form of words, setting down both his Christian and Surname; viz. I, N. N. do willingly and *ex a nimo* subscribe to these three Articles above-mentioned, and to all things that are contained in them. And if any Bishop shall ordain, admit, or license any as is aforesaid, except he first have subscribed in manner and form as here we have appointed, he shall be suspended from giving of orders and licenses to preach for the space of twelve months. But if either of the Universities shall offend therein, we leave them to the danger of the law, and his Majesty's censure.

### *37.—Subscription before the Diocesan.*

None licensed, as is aforesaid, to preach, read, lecture, or catechize, coming to reside in any Diocese, shall be permitted there to preach, read, lecture, catechize, or minister the Sacraments, or to execute any other ecclesiastical function, by what authority soever he be thereunto admitted, unless he first consent and subscribe to the three Articles before mentioned, in the presence of the Bishop of the Diocese, wherein he is to preach, read, lecture, catechize, or administer the Sacraments, as aforesaid.

### *38.—Revolters after Subscription, censured.*

If any Minister, after he hath once subscribed to the said three Articles, shall omit to use the Form of Prayer, or any of the Orders or Ceremonies prescribed in the Communion-book, let him be suspended; and if after a month he do not reform and submit himself, let him be excommunicated; and then, if he shall not submit himself within the space of another month, let him be deposed from the Ministry.

### *39.—Cautions for Institution of Ministers into Benefices.*

No Bishop shall institute any to a Benefice, who hath been ordained by any other Bishop, except he first shew unto him his letters of

orders, and bring him a sufficient testimony of his former good life and behaviour, if the Bishop shall require it; and lastly, shall appear upon due examination, to be worthy of his Ministry.

**40.—An Oath against Simony at Institution into Benefices.**

To avoid the detestable sin of Simony, because buying and selling of spiritual and ecclesiastical functions, offices, promotions, dignities, and livings, is execrable before God; therefore the Archbishop, and all and every Bishop or Bishops, or any other person or persons, having authority to admit, institute, collate, instal, or to confirm the election of any Archbishop, Bishop, or other person or persons, to any spiritual or ecclesiastical function, dignity, promotion, title, office, jurisdiction, place, or benefice, with cure, or without cure, or to any ecclesiastical living whatsoever, shall, before every such admission, institution, collation, installation, or confirmation of election, respectively minister to every person hereafter to be admitted, instituted, collated, installed, or confirmed in or to any Archbispocrick, Bishoprick, or other spiritual or ecclesiastical function, dignity, promotion, title, office, jurisdiction, place, or benefice, with cure or without cure, or in or to any ecclesiastical living whatsoever, this Oath, in manner and form following, the same to be taken by every one whom it concerneth in his own person and not by a proctor; I, N. N. do swear, That I have made no simoniacial payment, contract, or promise, directly or indirectly, by myself, or by any other, to my knowledge, or with my consent, to any person or persons whatsoever, for or concerning the procuring and obtaining of this ecclesiastical dignity, place, preferment, office, or living (respectively and particularly naming the same whereunto he is to be admitted, instituted, collated, installed, or confirmed,) nor will at any time hereafter perform or satisfy any such kind of payment, contract, or promise made by any other without my knowledge, or consent: So help me God, through Jesus Christ.

**41.—Licenses for Plurality of Benefices limited, and Residence enjoined.**

No license or dispensation for the keeping of more benefices with cure than one, shall be granted to any but such only as shall be thought very well worthy for his learning, and very well able and sufficient to discharge his duty; that is, who shall have taken the degree of a Master of Arts at the least in one of the Universities of this realm, and be a publick and sufficient preacher licensed. Provided always, that he be by a good and sufficient caution bound to make his personal residence in each his said benefices for some reasonable time in every year; and that the said benefices be not more than thirty miles distant asunder: and lastly, that he have under him in the benefice, where he doth not reside, a Preacher lawfully allowed, that is able sufficiently to teach and instruct the people.

**42.—Residence of Deans in their Churches.**

Every Dean, Master, or Warden or Chief Governor of any Cathedral or Collegiate Church, shall be resident in his said Cathedral or Collegiate Church fourscore and ten days *conjunctionem* or *divisim* in every

year at the least, and then shall continue there in preaching the Word of God, and keeping good hospitality, except he shall be otherwise lett with weighty and urgent causes, to be approved by the Bishop of the Diocese, or in any other lawful sort dispensed with. And when he is present, he with the rest of the Canons or Prebendaries resident, shall take special care that the statutes and laudable customs of their Church, (not being contrary to the Word of God, or prerogative royal,) the statutes of this realm being in force concerning ecclesiastical order, and all other constitutions now set forth, and confirmed by His Majesty's authority, and such as shall be lawfully enjoined by the Bishop of the Diocese in his visitation, according to the statutes and customs of the same Church, or the ecclesiastical laws of this realm, be diligently observed; and that the Petty Canons, Vicars Choral, and other Ministers of their Church, be urged to the study of the Holy Scriptures; and every one of them to have the New Testament not only in Enghish, but also in Latin.

#### *43.—Deans and Prebendaries to preach during their Residence.*

The Dean, Master, Warden, or Chief Governor, Prebendaries, and Canons in every Cathedral and Collegiate Church, shall not only preach there in their own persons so often as they are bound by law, statute, ordinance, or custom, but shall likewise preach in other Churches in the same Diocese where they are resident, and especially in those places whence they or their Church receive any yearly rents or profits. And in case they themselves be sick, or lawfully absent, they shall substitute such licensed Preachers to supply their turns, as by the Bishop of the Diocese shall be thought meet to preach in Cathedral Churches. And if any otherwise neglect or omit to supply his course, as is aforesaid, the offender shall be punished by the Bishop or by him or them to whom the jurisdiction of that Church appertaineth, according to the quality of the offence.

#### *44.—Prebendaries to be resident upon their Benefices.*

No Prebendaries or Canons in Cathedral or Collegiate Churches, (having one or more benefices with cure, and not being Residentiaries in the same Cathedral or Collegiate Churches) shall, under colour of their said Prebends, absent themselves from their benefices with cure, above the space of one month in the year, unless it be some urgent cause, and certain time to be allowed by the Bishop of the Diocese. And such of the said Canons and Prebendaries, as by the ordinances of the Cathedral or Collegiate Churches do stand bound to be resident in the same, shall so among themselves sort and proportion the times of the year, concerning residency to be kept in the said Churches, as that some of them always shall be personally resident there; and that all those who be, or shall be residentiaries in any Cathedral or Collegiate Church shall, after the days of their residency appointed by their local statutes or customs expired, presently repair to their benefices, or some one

of them, or to some other charge where the law requireth their presence, there to discharge their duties according to the laws in that case provided. And the Bishop of the Diocese shall see the same to be duly performed and put in execution.

*45.—Beneficed Preachers, being resident upon their Livings, to preach every Sunday.*

Every beneficed man, allowed to be a Preacher, and residing on his benefice, having no lawful impediment, shall in his own cure, or in some other Church or Chapel where he may conveniently, near adjoining (where no preacher is) preach one Sermon every Sunday of the year; wherein he shall soberly and sincerely divide the Word of Truth, to the glory of God, and to the best edification of the people.

*46.—Beneficed Men, not Preachers, to procure monthly Sermons.*

Every beneficed Man, not allowed to be a Preacher, shall procure Sermons to be preached in his cure once in every month at the least, by Preachers lawfully licensed, if his living, in the judgment of the Ordinary, will be able to bear it. And upon every Sunday, when there shall not be a Sermon preached in his cure, he or his Curate shall read some one of the Homilies prescribed or to be prescribed by authority, to the intents aforesaid.

*47.—Absence of beneficed Men to be supplied by Curates that are allowed Preachers.*

Every beneficed Man, licensed by the laws of this realm, upon urgent occasions of other service, not to reside upon his benefice, shall cause his cure to be supplied by a Curate that is a sufficient and licensed Preacher, if the worth of the benefice will bear it. But whosoever hath two benefices, shall maintain a Preacher licensed in the benefice where he doth not reside, except he preach himself at both of them usually.

*48.—None to be Curates but allowed by the Bishop.*

No Curate or Minister shall be permitted to serve in any place, without examination and admission of the Bishop of the Diocese, or Ordinary of the place having episcopal jurisdiction, in writing under his hand and seal, having respect to the greatness of the cure, and meetness of the party. And the said Curates and Ministers, if they remove from one Diocese to another, shall not be by any means admitted to serve without testimony of the Bishop of the Diocese, or Ordinary of the place, as aforesaid, whence they came, in writing, of their honesty, ability, and conformity to the ecclesiastical laws of the Church of England. Nor shall any serve more than one Church or Chapel upon one day, except that Chapel be a member of the Parish Church, or united thereunto; and unless the said Church or Chapel, where such a minister shall serve in two places, be not able in the judgment of the Bishop or Ordinary, as aforesaid, to maintain a Curate.

**49.—Ministers not allowed Preachers, may not expound.**

No person whosoever not examined and approved by the Bishop of the Diocese, or not licensed, as is aforesaid, for a sufficient or convenient Preacher, shall take upon him to expound in his own cure, or elsewhere, any Scripture or matter of doctrine; but shall only study to read plainly and aptly (without glossing or adding) the Homilies already set forth, or hereafter to be published by lawful authority, for the confirmation of the true faith, and for the good instruction and edification of the people.

**50.—Strangers not admitted to preach without shewing  
their License.**

Neither the Minister, Church-wardens, or any other Officers of the Church, shall suffer any man to preach within their Churches, or Chapels, but such as by shewing their License to preach, shall appear unto them to be sufficiently authorized therunto, as is aforesaid.

**51.—Strangers not admitted to preach in Cathedral  
Churches without sufficient authority.**

The Deans, Residents, and Residentiarics of any Cathedral or Collegiate Church, shall suffer no stranger to preach unto the people in their Churches, except they be allowed by the Archbishop of the province, or by the Bishop of the same Diocese, or by either of the Universities. And if any in his Sermon shall publish any doctrine either strange, or disagreeing from the Word of God, or from any of the Articles of Religion agreed upon in the Convocation-house, Anno 1562, or from the Book of Common Prayer; the Dean or the Residents, shall, by their letters subscribed with some of their hands, that heard him, so soon as may be, give notice of the same to the Bishop of the Diocese, that he may determine the matter, and take such order therein, as he shall think convenient.

**52.—The names of strange Preachers to be noted in a Book.**

That the Bishop may understand (if occasion so require) what Sermons are made in every Church of his Diocese, and who presume to preach without license, the Church-wardens and Side-men shall see that the names of all Preachers, which come to their Church from any other place, be noted in a book, which they shall have ready for that purpose; wherein every Preacher shall subscribe his name, the day when he preached, and the name of the Bishop of whom he had license to preach.

**53.—No publick Opposition between Preachers.**

If any Preacher shall in the pulpit particularly, or namely, of purpose, impugn or confute any doctrine delivered by any other Preacher in the same Church, or in any Church near adjoining, before he hath acquainted the Bishop of the Diocese therewith, and received order from him what to do in that case, because upon such

publick dissenting and contradicting there may grow much offence and disquietness unto the people; the Church-wardens, or party grieved shall forthwith signify the same to the said Bishop, and not suffer the said Preacher any more to occupy that place which he hath once abused, except he faithfully promise to forbear all such matter of contention in the Church, until the Bishop hath taken further order therein, who shall with all convenient speed so proceed thereon, that public satisfaction may be made in the congregation where the offence was given. Provided, that if either of the parties offending do appeal, he shall not be suffered to preach *pendente lite*.

*54.—The Licenses of Preachers refusing Conformity, to be void.*

If any man licensed heretofore to preach, by any Archbishop, Bishop, or by either of the Universities, shall at any time henceforth refuse to conform himself to the laws, ordinances, and rites ecclesiastical, established in the Church of England; he shall be admonished by the Bishop of the Diocese, or Ordinary of the place, to submit himself to the use and due exercise of the same. And if after such admonition, he do not conform himself within the space of one month, we determine and decree, that the license of every such Preacher shall thereupon be utterly void and of none effect.

*55.—The Form of a Prayer to be used by all Preachers before their Sermons.*

Before all Sermons, Lectures, and Homilies, the Preachers and Ministers shall move the people to join with them in prayer in this form, or to this effect, as briefly as conveniently they may: Ye shall pray for Christ's holy Catholick Church, that is, for the whole Congregation of Christian people dispersed throughout the whole world, and especially for the Churches of England, Scotland, and Ireland, and herein I require you most especially to pray for the King's most excellent Majesty, our Sovereign Lord James, King of England, Scotland, France, and Ireland, Defender of the Faith, and Supreme Governor of these his realms, and all other his dominions and countries, over all persons, in all causes, as well ecclesiastical as temporal; Ye shall also pray for our Gracious Queen, Anne, the Noble Prince Henry, and the rest of the King's and Queen's Royal Issue; Ye shall also pray for the Ministers of God's holy Word and Sacraments, as well Archbishops and Bishops, as other Pastors and Curates; Ye shall also pray for the King's most Honourable Council, and for all the Nobility and Magistrates of this realm; that all and every of these, in their several callings, may serve truly and faithfully to the glory of God, and the edifying and well-governing of his people, remembering the account that they must make; also ye shall pray for the whole Commons of this realm, that they may live in the true faith and fear of God, in humble obedience to the King, and brotherly charity one to another; Finally, let us praise God for all those which are departed out of

this life in the faith of Christ, and pray unto God, that we may have grace to direct our lives after their good examples: that this life ended, we may be made partakers with them of the glorious Resurrection in the life everlasting; always concluding with the Lord's Prayer.

**56.—Preachers and Lecturers to read Divine Service, and administer the Sacraments twice a-year at the least.**

Every Minister being possessed of a benefice that hath cure and charge of souls, although he chiefly attend to preaching, and hath a Curate under him to execute the other duties which are to be performed for him in the Church, and likewise every other stipendiary Preacher that readeth any lecture, or catechizeth, or preacheth in any Church or Chapel, shall twice at the least every year read himself the Divine Service upon two several Sundays publickly, and at the usual times, both in the forenoon and afternoon, in the Church which he so possesseth, or where he readeth, catechizeth, or preacheth, as is aforesaid; and shall likewise as often in every year administer the Sacraments of Baptism, if there be any to be baptized, and of the Lord's Supper, in such manner and form, and with the observation of such rites and ceremonies as are prescribed by the Book of Common Prayer, in that behalf: which if he do not accordingly perform, then shall he that is possessed of a benefice (as before) be suspended; and he that is but a Reader, Preacher, or Catechizer, be removed from his place by the Bishop of the Diocese, until he or they shall submit themselves to perform all the said duties, in such manner and sort as before is prescribed.

**57.—The Sacraments not to be refused at the hands of unpreaching Ministers.**

Whereas divers persons, seduced by false teachers, do refuse to have their children baptized by a Minister that is no Preacher, and to receive the Holy Communion at his hands in the same respect, as though the virtue of those Sacraments did depend upon his ability to preach; forasmuch as the doctrine both of Baptism and of the Lord's Supper is so sufficiently set down in the Book of Common Prayer to be used at the administration of the said Sacraments, as nothing can be added unto it that is material and necessary, we do require and charge every such person, seduced as aforesaid, to reform that their wilfulness, and to submit himself to the order of the Church in that behalf; both the said Sacraments being equally effectual, whether they be ministered by a Minister that is no Preacher, or by one that is a Preacher. And if any hereafter shall offend herein, or leave their own Parish Churches in that respect, and communicate, or cause their children to be baptized in other Parishes abroad, and will not be moved thereby to reform that their error and unlawful course; let them be presented to the Ordinary of the place by the Minister, Church-wardens and Sidemen, or Questmen of the Parishes where they dwell, and there receive such punishments by ecclesiastical censures, as such obstinacy

doth worthily deserve; that is, let them (persisting in their wilfulness) be suspended, and then, after a month's farther obstinacy, excommunicated. And likewise, if any Parson, Vicar, or Curate, shall, after the publishing hereof, either receive to the Communion any such persons which are not of his own Church and Parish, or shall baptize any of their Children, thereby strengthening them in their said errors; let him be suspended, and not released thereof, until he do faithfully promise that he will not afterwards offend therein.

*58.—Ministers reading Divine Service, and administering the Sacraments, to wear Surplices, and Graduates therewithal Hoods.*

Every Minister saying the Publick Prayers, ministering the Sacraments or other rites of the Church, shall wear a decent and comely Surplice with sleeves, be provided at the charge of the Parish. And if any question arise touching the order, decency, or comeliness thereof, the same shall be decided by the discretion of the Ordinary. Furthermore, such Ministers as are Graduates, shall wear upon their Surplices, at such times, such Hoods as by the orders of the Universities are agreeable to their degrees which no Minister shall wear (being no Graduate) under pain of suspension. Notwithstanding, it shall be lawful to such Ministers as are not Graduates, to wear upon their Surplices, instead of Hoods, some decent tippet or black, so it be not silk.

*59.—Ministers to catechize every Sunday.*

Every Parson, Vicar, or Curate, upon every Sunday and Holy-day before Evening Prayer, shall, for half an hour or more examine and instruct the youth and ignorant persons of his Parish, in the Ten Commandments, the Articles of the Belief, and in the Lord's Prayer, and shall diligently hear, instruct, and teach them the Catechism set forth in the Book of Common Prayer. And all fathers, mothers, masters, and mistresses, shall cause their children, servants, apprentices, which have not learned the Catechism, to come to the church at the time appointed, obediently to hear, and to be ordered by the Minister, until they have learned the same. And if any Minister neglect his duty herein, let him be sharply reproved upon the first complaint, and true Notice thereof given to the Bishop or Ordinary of the place. If, after submitting himself, he shall willingly offend therein again, let him be suspended; if so the third time, there being little hope that he will be therein reformed, then excommunicated, and so remain, until he will be reformed. And likewise, if any of the fathers, mothers, masters, or mistresses, children, servants, or apprentices, shall neglect their duties, as the one sort in not causing them to come, and the other in refusing to learn, as aforesaid; let them be suspended by their Ordinaries (if they be not children,) and if they persist by the space of a month, then let them be excommunicated.

**60.—Confirmation to be performed once in three Years.**

Forasmuch as it hath been a solemn, ancient and laudable custom in the Church of God, continued from the Apostles' times, that all Bishops should lay their hands upon children baptized, and instructed in the Catechism of the Christian Religion, praying over them, and blessing them, which we commonly call Confirmation, and that this holy action hath been accustomed in the Church in former ages, to be performed in the Bishop's visitation every third year; we will and appoint, that every Bishop, or his Suffragan, in his accustomed visitation, do in his own person carefully observe the said custom. And if in that year, by reason of some infirmity, he be not able personally to visit, then he shall not omit the execution of that duty of Confirmation the next year after, as he may conveniently

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**61.—Ministers to prepare Children for Confirmation.**

Ever Minister, that hath care and charge of schools, for the better accomplishing of the orders prescribed in the Book of Common Prayer concerning Confirmation, shall take especial care that none shall be presented to the Bishop for Confirmation, to lay his hands upon, but such as can render an account of their faith according to the Catechism in the said Book contained. And when the Bishop shall assign any time for the performance of that part of his duty, every such Minister shall use his best endeavour to prepare and make able, and likewise to procure as many as he can to be brought, and by the Bishop to be confirmed

**62.—Ministers not to marry any Persons without Banns or License.**

No Minister, upon pain of suspension *per triennium ipso facto*, shall celebrate Matrimony between any persons, without a faculty or license granted by some of the persons in these our constitutions expressed, except the Banns of Matrimony have been first published three several Sundays, or Holy-days, in the time of Divine Service, in the Parish Churches and Chapels where the said parties dwell, according to the Book of Common Prayer. Neither shall any Minister, upon the like pain, under any pretence whatsoever, join any persons so licensed in marriage at any unseasonable times, but only between the hours of eight and twelve in the forenoon, nor in any private place, but either in the said Churches or Chapels where one of them dwelleth, and likewise in time of Divine Service; nor when Banns are thrice asked and no license in that respect necessary, before the parents or governors of the parties to be married, being under the age of twenty and one years, shall either personally, or by sufficient testimony, signify to him their consents given to the said marriage.

**63.—Ministers of exempt Churches not to marry without Banns or License.**

Every Minister, who shall hereafter celebrate Marriage between any persons contrary to our said constitutions, or any part of them, under colour of any peculiar liberty or privilege claimed to appertain to

certain Churches and Chapels, shall be suspended *per triennium* by the Ordinary of the place where the offence shall be committed. And if any such Minister shall afterwards remove from the place where he hath committed that fault, before he be suspended, as is aforesaid, then shall the Bishop of the Diocese or Ordinary of the place, where he remaineth, upon certificate under the hand and seal of the other Ordinary, from whose jurisdiction he removed, execute that censure upon him.

*64.—Ministers solemnly to bid Holy-days.*

Every Parson, Vicar or Curate, shall in his several charge declare to the people every Sunday at the time appointed in the Communion-book, whether there be any Holy-days or Fasting-days the week following. And if any do hereafter wittingly offend herein, and being once admonished thereof by his Ordinary, shall again omit that duty, let him be censured according to law, until he submit himself to the due performance of it.

*65.—Ministers solemnly to denounce Recusants and Excommunicates.*

All Ordinaries shall in their several jurisdictions carefully see and give order, that as well those who for obstinate refusing to frequent Divine Service established by publick authority within this Realm of England, as those also (especially of the better sort and condition) who for notorious contumacy, or other notable crimes, stand lawfully excommunicate, (unless within three months immediately after the said sentence of excommunication pronounced against them, they reform themselves, and obtain the benefit of absolution,) be every six months ensuing, as well in the Parish Church, as in the Cathedral Church of the Diocese in which they remain, by the Minister openly in time of Divine Service, upon some Sunday, denounced and declared excommunicate, that others may be thereby both admonished to refrain their company and society, and excited the rather to procure out a writ *de excommunicato capiendo*, thereby to bring and reduce them into due order and obedience. Likewise the Register of every ecclesiastical Court shall yearly, between Michaelmas and Christmas, duly certify the Archbishop of the province of all and singular the premises aforesaid.

*66.—Ministers to confer with Recusants.*

Every Minister being a Preacher, and having any Popish Recusant or Recusants in his Parish, and thought fit by the Bishop of the Diocese, shall labour diligently with them from time to time, thereby to reclaim them from their errors. And if he be no Preacher, or not such Preacher, than he shall procure, if he can possibly, some that are Preachers so qualified to take pains with them for that purpose. If he can procure none, then he shall inform the Bishop of the Diocese thereof, who shall not only appoint some neighbour Preacher or Preachers adjoining to take that labour upon them, but himself also, as his important affaires will permit him, shall use his best endeavour, by instruction, persuasion, and all good means he can devise, to reclaim both them and all other within his Diocese so affected.

**67.—Ministers to visit the Sick.**

When any person is dangerously sick in any Parish the Minister or Curate, having knowledge thereof, shall resort unto him or her (if the Disease be not known or probably suspected to be infectious,) to instruct and comfort them in their distress, according to the Order of the Communion Book, if he be no Preacher; or if he be a Preacher, then as he shall think most needful and convenient. And when any is passing out of this life, a bell shall be tolled, and the Minister shall not then slack to do his last duty. And after the party's death, if it so fall out, there shall be rung no more than one short peal, and one other before the burial, and one other after the burial.

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**68.—Ministers not to refuse to Christen or Bury.**

No Minister shall refuse or delay to christen any Child according to the form of the Book of Common Prayer, that is brought to the Church to him upon Sundays or Holy-days to be christened, or to bury any corpse that is brought to the Church or Church-yard, convenient warning being given him thereof before, in such manner and form as is prescribed in the said Book of Common Prayer. And if he shall refuse to christen the one, or bury the other, (except the party deceased were denounced excommunicata ed *majori excommunicatione* for some grievous and notorious crime, and no man able to testify of his repentance,) he shall be suspended by the Bishop of the Diocese from his Ministry by the space of three months.

**69.—Ministers not to defer Christening, if the child be in danger.**

If any Minister, being duly without any manner of collusion, informed of the weakness and danger of death of any infant unbaptized in his Parish, and thereupon desired to go or come to the place where the said infant remaineth, to baptize the same, shall either wilfully refuse so to do, or of purpose, or of gross negligence, shall so defer the time, when he might conveniently have resorted to the place, and have baptized the said infant, it dieth, through such his default, unbaptized; the said Minister shall be suspended for three months, and before his restitution shall acknowledge his fault, and promise before his Ordinary, that he will not wittingly incur the like again. Provided that where there is a Curate, or a substitute, this constitution shall not extend to the Parson or Vicar himself, but to the Curate or Substitute present.

**70.—Ministers to keep a Register of Christenings, Weddings, and Burials.**

In every Parish Church and Chapel within this realm, shall be provided one parchment book at the charge of the Parish, wherein shall be written the day and year of every Christening, Wedding, and Burial,

which have been in that Parish since the time that the law was first made in that behalf, so far as the ancient books thereof can be procured, but especially since the beginning of the reign of the late Queen. And for the safe keeping of the said book, the Church-wardens, at the charge of the Parish, shall provide one sure coffer, with three locks and keys; whereof the one to remain with the Minister, and the other two with the Church-wardens, severally; so that neither the Minister without the two Church-wardens, nor the Church-wardens without the Minister, shall at any time take that book out of the said coffer. And henceforth upon every Sabbath-day, immediately after Morning or Evening Prayer, the Minister and Church-wardens, shall take the said parchment book out of the said coffer, and the Minister, in the presence of the Church-wardens, shall write and record in the said book the names of all persons christened, together with the names and surnames of their parents; and also the names of all persons married and buried in that Parish in the week before, and the day and year of every such Christening, Marriage, and Burial; and that done, they shall lay up that book in the coffer, as before; and the Minister and Church-wardens, unto every page of that Book when it shall be filled with such inscription, shall subscribe their names. And the Church-wardens shall once every year, within one month after the five and twentieth day of March, transmit unto the Bishop of the Diocese, or his Chancellor, a true copy of the names of all persons christened, married, or buried in their Parish in the year before, ended the said five and twentieth day of March, and the certain days and months in which every such Christening, Marriage, and Burial was had, to be subscribed with the hands of the said Minister and Church-wardens, to the end the same may faithfully be preserved in the registry of the said Bishop; which certificate shall be received without fee. And if the Minister or Church-wardens shall be negligent in performance of any thing herein contained, it shall be lawful for the Bishop, or his Chancellor to convert them, and proceed against every of them as contemners of this our Constitution.

*71.—Ministers not to preach, or administer the Communion in Private Houses.*

No Minister shall preach, or administer the Holy Communion, in any private house, except it be in times of necessity, when any being either so impotent as he cannot go to the Church, or very dangerously sick, are desirous to be partakers of the Holy Sacrament, upon pain of suspension for the first offence, and excommunication for the second. Provided, the houses are here reputed for private houses, wherein are no Chapels dedicated and allowed by the ecclesiastical laws of this realm. And provided also, under the pains before expressed, that no Chaplains do preach, or administer the Communion in any other places, but in the Chapels of the said houses, and that also they do the same very seldom upon Sundays and Holy-days: so that both the lords and masters of the said houses, and their families, shall at other times resort to their own parish Churches, and there receive the Holy Communion at the least once every year.

**72.—Ministers not to appoint publick or private Fasts or Prophecies, or to exorcise, but by authority.**

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No Minister or Ministers shall without the license and direction of the Bishop of the Diocese first obtained and had under his hand and seal, appoint or keep any solemn fasts, either publickly or in any private houses, other than such as by law are, or by publick authority shall be appointed, nor shall be wittingly present at any of them, under pain of suspension for the first fault, of excommunication for the second, and of deposition from the ministry for the third. Neither shall any Minister, not licensed, as is aforesaid, presume to appoint or hold any meetings for sermons, commonly termed by some Prophecies or Exercises, in market-towns, or other places, under the said pains: nor, without such license, to attempt, upon any pretence whatsoever, either of possession or obsession, by fasting and prayer, to cast out any devil or devils, under pain of the imputation of imposture or cosenage, and deposition from the ministry.

**73.—Ministers not to hold Private Conventicles.**

Forasmuch as all Conventicles, and secret meetings of Priests and Ministers, have been every justly accounted very hurtful to the state of the Church wherein they live; we do now ordain and constitute, that no Priests or Ministers of the word of God, or any other persons, shall meet together in any private house, or elsewhere, to consult upon any matter or course to be taken by them, or upon their motion or direction by any other, which may any way tend to the impeaching or depraving of the doctrine of the Church of England, or of the Book of Common Prayer, or of any part of the government and discipline now established in the Church of England, under pain of excommunication *ipso facto.*

**74.—Decency in Apparel enjoined to Ministers.**

The true, ancient, and flourishing Churches of Christ, being ever desirous that their Prelacy and Clergy might be had as well in outward reverence, as otherwise, regarded for the worthiness of their Ministry, did think it fit, by a prescript form of decent and comely apparel, to have them known to the people, and thereby to receive the honour and estimation due to the special Messengers and Ministers of Almighty God. We therefore, following their grave judgment, and the ancient custom of the Church of England, and hoping that in time new-fangledness of apparel in some factious persons will die of itself, do constitute and appoint that the Archbishops and Bishops shall not intermit to use the accustomed apparel of their degrees. Likewise all Deans, Masters of Colleges, Archdeacons, and Prebendaries, in Cathedral and Collegiate Churches, (being Priests or Deacons,) Doctors in Divinity, Law and Physick, Batchelors in Divinity, Masters of Arts, and Batchelors of Law, having any ecclesiastical living shall usually wear gowns with standing collars, and sleeves strait at the hands, or wide sleeves, as is used in the Universities, with hoods or tippets of silk

or sarcenet, and square caps. And that all other Ministers admitted or to be admitted into that function shall also usually wear the like apparel, as aforesaid, except tippets only. We do further in like manner ordain, that all the said ecclesiastical persons above-mentioned shall usually wear in their journeys, cloaks with sleeves, commonly called priest's cloaks, without guards, welts, long buttons, or cuts. And no ecclesiastical person shall wear any coif or wrought night-cap, but only plain night caps of black silk, satten, or velvet. In all which particulars concerning the apparel here prescribed, our meaning is not to attribute any holiness or special worthiness to the said garments, but for decency, gravity, and order, as is before specified. In private houses, and in their studies, the said persons ecclesiastical may use any comely and scholar-like apparel, provided that it be not cut or pinkt; and that in publick they go not in their doublet and hose, without coats or cassock; and that they wear not any light-coloured stockings. Likewise poor beneficed men and curates (not being able to provide themselves long gowns) may go in short gowns of the fashion aforesaid.

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#### *75.—Sober Conversation required in Ministers.*

No ecclesiastical person shall at any time, other than for their honest necessities, resort to any tavern, or alehouse, neither shall they board or lodge in any such places. Furthermore, they shall not give themselves to any base or servile labour, or to drinking or riot, spending their time idly by day or by night, playing at dice, cards, or tables, or any other unlawful games; but at all times convenient they shall hear or read somewhat of the Holy Scriptures, or shall occupy themselves with some other honest study or exercise, always doing the things which shall appertain to honesty, and endeavouring to profit the Church of God; having always in mind, that they ought to excel all others in purity of life, and should be examples to the people to live well and christianly; under pain of ecclesiastical censures, to be inflicted with severity, according to the qualities of their offences.

#### *76.—Ministers at no time to forsake their Calling.*

No man, being admitted a Deacon or Minister, shall from thenceforth voluntarily relinquish the same, nor afterward use himself in the course of his life as a layman, upon pain of excommunication. And the names of all such men, so forsaking their calling, the Church-wardens of the parish where they dwell shall present to the Bishop of the Diocese, or to the Ordinary of the place having episcopal jurisdiction.

#### *School-Masters.*

#### *77.—None to teach School without License.*

No man shall teach either in publick school, or private house, but such as shall be allowed by the Bishop of the Diocese, or Ordinary of the place, under his hand and seal, being found meet as well for his

learning and dexterity in teaching, as for sober and honest conversation, and also for right understanding of God's true religion; and also except he shall first subscribe to the first and third Articles aforesaid simply, and to the two first clauses of the second Article.

**78.—*Curates desirous to teach, to be Licensed before others.***

In what Parish Church or Chapel soever there is a Curate, which is a Master of Arts, or Bachelor of Arts, or is otherwise well able to teach youth, and will willingly so do, for the better increase of his living, and training up of children in principles of true religion; we will and ordain, that a license to teach youth of the Parish where he serveth, be granted to none by the Ordinary of that place, but only to the said Curate. Provided always that this constitution shall not extend to any Parish or Chapel in country towns, where there is a publick school founded already; in which case we think it not meet to allow any to teach Grammar, but only him that is allowed for the said publick school.

**79. —*The Duty of School-Masters.***

All School-Masters shall teach in English or Latin as the children are able to bear, the larger or shorter Catechism heretofore by publick authority set forth. And as often as any Sermon shall be upon holy and festival days within the Parish where they teach, they shall bring their scholars to the Church where such sermons shall be made, and there see them quietly and soberly behave themselves; and shall examine them at times convenient, after their return, what they have borne away of such sermons. Upon other days, and at other times, they shall train them up with such sentences of Holy Scripture, as shall be most expedient to induce them to all godliness; and they shall teach the Grammar set forth by King Henry the Eighth, and continued in the times of King Edward the Sixth, and Queen Elizabeth, of noble memory, and none other. And if any School-Master, being licensed, and having subscribed, as aforesaid, shall offend in any of the premises, or either speak, write, or teach against any thing whereunto he hath formerly subscribed, (if upon admonition by the Ordinary he do not amend and reform himself,) let him be suspended from teaching school any longer.

**Things appertaining to Churches.****80.—*The great Bible and Book of Common Prayer to be had in every Church.***

The Church-wardens or Quest-men of every Church and Chapel shall at the charge of the Parish, provide the Book of Common Prayer lately explained in some few points by his Majesty's authority, according to the laws and his Highness's prerogative in that behalf, and that with all convenient speed, but at the farthest within two months after the publishing of these our constitutions. And if any

Parishes be yet unfurnished of the Bible of the largest volume, or of the Books of Homilies allowed by authority, the said Church-wardens shall within convenient time provide the same at the like charge of the Parish.

*81.—A Font of Stone for Baptism in every Church.*

According to a former constitution, too much neglected in many places, we appoint that there shall be a font of stone in every Church and Chapel where baptism is to be ministered; the same to be set in the ancient usual places: in which only font the Minister shall baptize publickly.

*82.—A decent Communion Table in every Church.*

Whereas we have no doubt, but that in all Churches within the realm of England, convenient and decent tables are provided and placed for the celebration of the Holy Communion, we appoint that the same tables shall from time to time be kept and repaired in sufficient and seemly manner, and covered, in time of Divine Service, with a carpet of silk or other decent stuff, thought meet by the Ordinary of the place, if any question be made of it, and with a fair linen cloth at the time of the ministration, as becometh that table, and so stand, saving when the said Holy Communion is to be administered: at which time the same shall be placed in so good sort within the Church or Chancel, as thereby the Minister may be more conveniently heard of the Communicants in his prayer and ministration, and the Communicants also more conveniently, and in more number, may communicate with the said Minister; and that the Ten Commandments be set up on the east end of every Church and Chapel, where the people may best see and read the same, and other chosen sentences written upon the walls of the said Churches and Chapels in places convenient; and likewise that a convenient seat be made for the Minister to read service in. All these to be done at the charge of the Parish.

*83.—A Pulpit to be provided in every Church.*

The Church-wardens or Questmen, at the common charge of the Parishioners in every Church, shall provide a comely and decent pulpit, to be set in a convenient place, within the same, by the discretion of the Ordinary of the place, if any question do arise, and to be there seemly kept for the preaching of God's Word.

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*84.—A Chest for Alms in every Church.*

The Church-wardens shall provide and have, within three months after the publishing of these constitutions, a strong chest, with a hole in the upper part thereof, to be provided at the charge of the Parish, (if there be none such already provided,) having three keys; of which one shall remain in the custody of the Parson, Vicar, or Curate, and the other two in the custody of the Church-wardens, for the time being.

which chest they shall set and fasten in the most convenient place, to the intent the Parishioners may put into it their alms for their poor neighbours. And the Parson, Vicar, or Curate, shall diligently, from time to time, and especially when men make their testaments, call upon, exhort, and move their neighbours to confer and give, as they may well spare, to the said chest; declaring unto them, that whereas heretofore they have been diligent to bestow much substance otherwise than God commanded, upon superstitious uses, now they ought at this time to be much more ready to help the poor and needy, knowing that to relieve the poor is a sacrifice which pleaseth God: and that also whatsoever is given for their comfort is given to Christ himself, and is so accepted of him, that he will mercifully reward the same. The which alms and devotion of the people, the keepers of the keys shall yearly, quarterly, or oftener (as need requireth) take out of the chest, and distribute the same in the presence of most of the parish, or six of the chieft of them, to be duly and faithfully delivered to their most poor and needy neighbours.

*85.—Churches to be kept in sufficient Reparation.*

The Church-wardens or Quest-men shall take care and provide that the Churches be well and sufficiently repaired, and so from time to time kept and maintained, that the windows be well glazed, and that the doors be kept paved, plain, and even, and all things there in such an orderly and decent sort, without dust, or any thing that may be either noisome, or unseemly, as best becometh the House of God, and is prescribed in an H[er]bally to that effect. The like care they shall take that the Church-yards be well and sufficiently repaired, fenced, and maintained with walls, rails, or pales, as have been in each place accustomed, at their charges unto whom by law the same appertaineth; but especially they shall see that in every meeting of the congregation peace be well kept; and that all persons excommunicated, and so denounced, be kept out of the Church.

*86.—Churches to be surveyed, and the Decays certified to the High Commissioners.*

Every Dean, Dean and Chapter, Archdeacon, and others which have authority to hold ecclesiastical visitations by composition, law, or prescription, shall survey the Churches of his or their jurisdiction once in every three years, in his own person, or cause the same to be done; and shall from time to time within the said three years, certify to the High Commissioners for causes ecclesiastical, every year, of such defects in any the said Churches, as he or they do find to remain unrepaired, and the names and surnames of the parties faulty therein. Upon which certificate, we desire that the said High Commissioners will *ex officio* mere send for such parties, and compel them to obey the just and lawful decrees of such ecclesiastical ordinaries, making such certificates.

**87.—A Terrier of Glebe Lands, and other Possessions belonging to Churches.**

We ordain, that the Archbishops, and all Bishops within their several Dioceses shall procure (as much as in them lieth) that a true note and terrier of all the glebes, lands, meadows, gardens, orchards, houses, stocks, implements, tenements, and portions of tithes lying out of their parishes (which belong to any parsonage, or vicarage, or rural prebend) be taken by the view of honest men in every Parish, by the appointment of the Bishop (whereof the Minister to be one) and be laid up in the Bishop's registry, there to be for a perpetual memory thereof.

**88.—Churches not to be profaned.**

The Church-wardens or Quest-men, and their Assistants, shall suffer no plays, feasts, banquets, suppers, church-ales, drinkings, temporal courts, or leets, lay-juries, musters, or any other profane usage to be kept in the Church, Chapel, or Church-yard, neither the bells to be rung superstitiously upon Holy-days or Eves abrogated by the Book of Common Prayer, nor at any other times, without good cause to be allowed by the Minister of the place, and by themselves.

**Churchwardens, or Quest-men, and Sidemen or Assistants.**

**89.—The choice of Church-wardens, and their Accounts.**

All Church-wardens or Quest-men in every Parish shall be chosen by the joint consent of the Minister, and the Parishioners, as it may be; but if they cannot agree upon such a choice, then the Minister shall choose one, and the Parishioners another: and without such joint or several choice none shall take upon them to be Church-wardens: neither shall they continue any longer than one year in that office, except perhaps they be chosen again in like manner. And all Church-wardens at the end of their year, or within a month after at the most, shall before the Minister and the Parishioners give up a just account of such money as they have received, and also what particularly they have bestowed in reparations, and otherwise, for the use of the Church. And last of all, going out of their office, they shall truly deliver up to the Parishioners whatsoever money or other things of right belonging to the Church or Parish, which remaineth in their hands, that it may be delivered over by them to the next Church-wardens by bill indented

**90.—The choice of Sidemen and their joint Office with Church-wardens.**

The Church-wardens or Quest-men of every Parish, and two or three or more discreet persons in every Parish, to be chosen for Sidemen or Assistants by the Minister and Parishioners, if they can agree, (otherwise to be appointed by the Ordinary of the Diocese,) shall diligently see that all the Parishioners duly resort to their Church

upon all Sundays and Holy-days, and there continue the whole time of Divine Service; and none to walk or stand idle or talking in the Church, or in the Church-yard, or the Church-porch, during that time. And all such as shall be found slack or negligent in resorting to the Church, (having no great or urgent cause of absence,) they shall earnestly call upon them; and after due monition, (if they amend not,) they shall present them to the Ordinary of the place. The choice of which persons, viz. Church-wardens or Questmen, Sidemen or Assistants, shall be yearly made in Easter-week.

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### Parish-Clerks.

#### 91.—*Parish-Clerks to be chosen by the Minister.*

No Parish-Clerk upon any vacation shall be chosen within the City of London, or elsewhere within the Province of Canterbury, but by the Parson or Vicar; or where there is no Parson or Vicar, by the Minister of that place for the time being: which choice shall be signified by the said Minister, Vicar, or Parson, to the Parishioners the next Sunday following, in the time of Divine Service. And the said Clerk shall be of twenty years of age at the least, and known to the said Parson, Vicar, or Minister to be of honest conversation, and sufficient for his reading, writing, and also for his competent skill in singing, if it may be. And the said Clerks so chosen, shall have and receive their ancient wages, without fraud or diminution, either at the hands of the Church-wardens, at such time as hath been accustomed, or by their own collection, according to the most ancient custom of every Parish.

#### Ecclesiastical Courts belonging to the Archbishop's Jurisdiction.

#### 92.—*None to be cited into divers Courts for Probate of the same Will.*

Forasmuch as many heretofore have been by Apparitors both of inferior Courts, and of the Courts of the Archbishop's Prerogative, much distracted, and diversely called and summoned for Probate of Wills, or to take Administrations of the goods of persons dying intestate, and are thereby vexed and grieved with many causeless and unnecessary troubles, molestations, and expences; we constitute and appoint, that all Chancellors, Commissaries, or Officials, or any other exercising ecclesiastical jurisdiction whatsoever, shall at the first charge with an oath all persons called or voluntarily appearing before them for the Probate of any Will, or the Administration of any goods, whether they know, or (moved by any special inducement) do firmly believe, that the party deceased, whose testament or goods, depend now in question, had at the time of his or her death, any goods or good debts in any other Diocese or Dioceses, or peculiar jurisdiction within that province, than in that wherein the said party died, amounting to the value of five pounds. And if the said person cited, or voluntarily appearing before him, shall upon his oath affirm, that he knoweth, or (as aforesaid) firmly believeth, that the said party

decensed had goods or good debts in any other Diocese or Dioceses, or peculiar jurisdiction within the said province, to the value aforesaid, and particularly specify and declare the same; then shall he presently dismiss him, not presuming to intermeddle with the Probate of the said Will, or to grant Administration of the goods of the party so dying intestate; neither shall he require or exact any other charges of the said parties, more than such only as are due for the citation, and other process had and used against the said parties, upon their further contumacy; but shall openly and plainly declare and profess, that the said cause belongeth to the Prerogative of the Archbishop of the Province; willing and admonishing the party to prove the said Will, or require Administration of the said goods in the Court of the said Prerogative, and to exhibit before him, the said Judge, the Probate or Administration under the seal of the Prerogative, within forty days next following. And if any Chancellor, Commissary, Official, or other exercising ecclesiastical jurisdiction whatsoever, or any their Register, shall offend herein, let him be *ipso facto* suspended from the execution of his office, not to be absolved or released, until he have restored to the party all expences by him laid out contrary to the tenor of the premises; and every such Probate of any Testament, or Administration of goods so granted, shall be held void and frustrate to all effects of the law whatsoever.

Furthermore, we charge and enjoin, that the Register of every inferior Judge, do, without all difficulty or delay, certify and inform the Apparitor of the Prerogative Court, repairing unto him once a month, and no oftener, what executors or administrators have been by his said Judge, for the incompetency of his own jurisdiction, dismissed to the said Prerogative Court within the month next before, under pain of a month's suspension from the exercise of his office for every default therein. Provided, that this Canon, or any thing herein contained, be not prejudicial to any composition between the Archbishop and any Bishop or other ordinary, nor to any inferior Judge that shall grant any Probate of Testament, or Administration of goods, to any party that shall voluntarily desire it, both out of the said inferior Court, and also out of the Prerogative. Provided likewise, that if any man die *in itinere*, the goods that he hath about him at that present, shall not cause his Testament or Administration to be liable unto the Prerogative Court.

### 93.—*The Rate of Bona notabilia liable to the Prerogative Court.*

Furthermore, we decree and ordain, that no Judge of the Archbishop's Prerogative shall henceforward cite, or cause to be cited *ex officio*, any person whatsoever to any of the aforesaid intents, unless he have knowledge that the party deceased was at the time of his death possessed of goods and chattels in some other Diocese or Dioceses, or peculiar jurisdiction within that province, than in that wherein he died, amounting to the value of five pounds at the least; decreeing and declaring, that whoso hath not goods in divers Dioceses to the said sum or value, shall not be accounted to have *bona notabilia*. Always

provided, that this clause, here and in the former constitution mentioned, shall not prejudice those Dioceses, whereby composition or custom *bona notabilia* are rated at a greater sum. And if any Judge of the Prerogative Court, or any his Surrogate, or his Register or Apparitor, shall cite, or cause any person to be cited into his Court, contrary to the tenor of the premises, he shall restore to the party so cited all his costs and charges, and the acts and proceedings in that behalf shall be held void and frustrate; which expences, if the said Judge, or Register, or Apparitor, shall refuse accordingly to pay, he shall be suspended from the exercise of his office, until he yield to the performance thereof.

**94.—None to be cited into the Arches or Audience, but Dwellers within the Archbishop's Diocese, or Peculiars.**

No Dean of the Arches, nor official of the Archbishop's consistory, nor any Judge of the audience, shall henceforward, in his own name, or in the name of the Archbishop, either *ex officio*, or at the instance of any party, originally cite, summon, or any way compel, or procure to be cited, summoned, or compelled, any person which dwelleth not within the particular Diocese or peculiar of the said Archbishop, to appear before him or any of them, for any cause or matter whatsoever belonging to ecclesiastical cognizance, without the license of the Diocesan first had and obtained in that behalf, other than in such particular cases only, as are expressly excepted and reserved in and by a statute *Anno 23, H. 8, Cap. 9.* And if any of the said Judges shall offend herein, he shall for every such offence be suspended from the exercise of his office, for the space of three whole months.

**95.—The Restraint of double Quarrels.**

Albeit by former constitutions of the Church of England, every Bishop hath had two months space to enquire and inform himself of the sufficiency and qualities of every Minister, after he hath been presented unto him to be instituted into any benefice; yet for the avoiding of some inconveniences, we do now abridge and reduce the said two months unto eight and twenty days only. In respect of which abridgement we do ordain and appoint, that no double quarrel shall hereafter be granted out of any of the Archbishop's Courts at the suit of any Minister whosoever, except he shall first take his personal oath, that the said eight and twenty days at the least are expired, after he first tendered his presentation to the Bishop, and that he refused to grant him institution thereupon; or shall enter bonds with sufficient sureties to prove the same to be true; under pain of suspension of the granter thereof from the execution of his office for half a year *toties quoties* (to be denounced by the said Archbishop) and nullity of the double quarrel aforesaid, so unduly procured, to all intents and purposes whatsoever. Always provided, that within the said eight and twenty days the Bishop shall not institute any other to the prejudice of the said party before presented, *sub poena nullitatis*.

**96.—Inhibitions not to be granted without the subscription of an Advocate.**

That the jurisdictions of Bishops may be preserved (as near as may be) entire and free from prejudice, and that for the behoof of the subjects of this land better provision be made, that henceforward they be not grieved with frivolous and wrongful suits and molestations: it is ordained and provided, that no inhibition shall be granted out of any Court belonging to the Archbishop of Canterbury at the instance of any party, unless it be subscribed by an Advocate practising in the said Court; which the said Advocate shall do freely, not taking any fee for the same, except the party prosecuting the suit do voluntarily bestow some gratuity upon him for his counsel and advice in the said cause. The like course shall be used in granting forth any inhibition, at the instance of any party, by the Bishop or his Chancellor, against the Archdeacon, or any other person exercising ecclesiastical jurisdiction: and if in the Court of Consistory of any Bishop there be no Advocate at all, then shall the subscription of a Proctor practising in the same Court be held sufficient.

**97.—Inhibitions not to be granted, until the Appeal be exhibited to the Judge.**

It is further ordered and decreed, that henceforward no inhibition be granted by occasion of any interlocutory decree, or in any cause of correction whatsoever, except under the form aforesaid: and moreover, that before the going out of any such inhibition, the appeal itself, or a copy thereof (avouched by oath to be just and true) be exhibited to the Judge, or his lawful Surrogate, whereby he may be fully informed, both of the quality of the crime, and of the cause of the grievance, before the granting forth of the said inhibition. And every appellant, or his lawful Proctor, shall, before the obtaining of any such inhibition, shew and exhibit to the Judge, or his Surrogate, in writing, a true copy of those acts wherewith he complaineth himself to be aggrieved, and from which he appealeth, or shall take a corporal oath, that he hath performed his diligence and true endeavour for the obtaining of the same, and could not obtain it at the hands of the Register in the country, or his deputy, tendering him his fee. And if any Judge or Register shall either procure or permit any inhibition to be sealed, so as is said, contrary to the form and limitation above specified, let him be suspended from the execution of his office for the space of three months: if any Proctor, or other person whatsoever by his appointment, shall offend in any of the premises, either by making or sending out any inhibition, contrary to the tenor of the said premises, let him be removed from the exercise of his office for the space of a whole year, without hope of release or restoring.

**98.—Inhibitions not to be granted to factious Appellants, unless they first subscribe.**

Forasmuch as they who break the laws, cannot in reason claim any benefit or protection by the same; we decree and appoint, that after any Judge ecclesiastical hath proceeded judicially against obsti-

nate and factious persons, and contemners of ceremonies, for not observing the rites and orders of the Church of England, or for contempt of publick prayer, no Judge, *ad quem*, shall admit or allow any his or their appeals, unless, he having first seen the original appeal, the party appellant do first personally promise and avow, that he will faithfully keep and observe all the rites and ceremonies of the Church of England, as also the prescript form of Common Prayer; and do likewise subscribe to the three Articles formerly by us specified and declared.

**99.—None to marry within the Degrees prohibited.**

No person shall marry within the degree prohibited by the laws of God, and expressed in a table set forth by authority in the year of our Lord God 1563. And all marriages so made and contracted shall be adjudged incestuous, and unlawful, and consequently, shall be dissolved as void from the beginning, and the parties so married, shall by course of law be separated. And the aforesaid table shall be in every Church publickly set up and fixed at the charge of the Parish.

**100.—None to marry under 21 Years, without their Parents' consent.**

No children under the age of one and twenty years complete shall contract themselves, or marry, without the consent of their parents, or of their guardians and governors, if their parents be deceased.

**101.—By whom Licences to marry without Banns shall be granted, and to what sort of Persons.**

No faculty or license shall be henceforth granted for solemnization of matrimony betwixt any parties, without thrice open publication of the banns, according to the Book of Common Prayer, by any person exercising any ecclesiastical jurisdiction, or claiming any privileges in the right of their Churches; but the same shall be granted only by such as have episcopal authority, or the Commissary for faculties, Vicars-General of the Archbishops and Bishops, *sede plena*, or, *sede vacante*, the guardian of the spiritualities, or ordinaries exercising of right episcopal jurisdiction in their several jurisdictions respectively, and unto such persons only, as be of good state and quality, and that upon good caution and security taken.

**102.—Security to be taken at the granting of such Licences, and under what conditions.**

The security mentioned shall contain these conditions; first, that at the time of the granting every such licence, there is not any impediment of precontract, consanguinity, affinity, or other lawful cause to hinder the said marriage. Secondly, that there is not any controversy or suit depending in any Court before any ecclesiastical Judge, touching any contract or marriage of either of the said parties with any other. Thirdly, that they have obtained thereunto the express consent *h*

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of their parents (if they be living) or otherwise of their guardians or governors. Lastly, that they shall celebrate the said matrimony publickly in the Parish Church or Chapel where one of them dwelleth, and in no other place, and that between the hours of eight and twelve in the forenoon.

### *103.—Oaths to be taken for the conditions.*

For the avoiding of all fraud and collusion in the obtaining of such licences and dispensations, we further constitute and appoint, that before any licence for the celebration of matrimony without publication of banns be had or granted, it shall appear to the Judge by the oaths of two sufficient witnesses, one of them to be known either to the Judge himself, or to some other person of good reputation then present, and known likewise to the said Judge, that the express consent of the parents, or parent, if one be dead, or guardians of the parties is thereunto had and obtained. And further more, that one of the parties personally swear, that he believeth there is no lett or impediment of precontract, kindred, or alliance, or of any other lawful cause whatsoever, nor any suit commenced in any ecclesiastical Court to bar or hinder the proceeding of the said matrimony, according to the tenor of the foresaid licence.

### *104.—An Exception for those that are in Widowhood.*

If both the parties which are to marry being in widowhood, do seek a faculty for the forbearing of banns, then the clauses before-mentioned requiring the parents' consent, may be omitted; but the parishes where they dwell, both shall be expressed in the licence, as also the parish named where the marriage shall be celebrated. And if any Commissary for Faculties, Vicars-General, or other the said Ordinaries shall offend in the premises, or any part thereof, he shall, for every time so offending, be suspended from the execution of his office for the space of six months; and every such licence or dispensation shall be held void to all effects and purposes, as if there never had been any such granted; and the parties marrying by virtue thereof, shall be subject to the punishments which are appointed for clandestine marriages.

### *105.—No Sentence for Divorce to be given upon the sole Confession of the Parties.*

Forasmuch as matrimonial causes have been always reckoned and reputed among the weightiest, and therefore require the greater caution, when they come to be handled and debated in Judgment, especially in causes wherein matrimony have been in the Church duly solemnized, is required, upon any suggestion or pretext whatsoever, to be dissolved or annulled: we do straitly charge and enjoin, that in all proceedings to divorce, and nullities of matrimony, good circumspection and advice be used, and that the truth may, (as far as is possible,) be sifted out by the deposition of witnesses, and other lawful proofs and evicitions; and that credit be not given to the sole confession of the parties themselves, howsoever taken upon oath, either within or without the Court.

106.—*No Sentence for Divorce to be given but in open Court.*

No sentence shall be given either for separation *a thoro et mensa*, or for annulling of pretended matrimony, but in open Court, and in the seat of justice; and that with the knowledge and consent either of the Archbishop within his province, or of the Bishop within his Diocese, or of the Dean of the Arches, the Judge of the Audience of Canterbury, or of the Vicars-General, or other principal officials, or, *sede vacante*, of the guardians of the spiritualities, or other ordinaries to whom of right it appertaineth, in their several jurisdictions and courts, and concerning them only that are then dwelling under their jurisdictions.

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107.—*In all Sentences for Divorce, Bonds to be taken for not marrying during each other's Life.*

In all sentences pronounced only for Divorce and Separation *a thoro et mensa*, there shall be a caution and restraint inserted in the act of the said sentence, that the parties so separated, shall live chastely and continently; neither shall they, during each other's life, contract matrimony with any other person, and for the better observation of this last clause, the said sentence of divorce shall not be pronounced, until the party or parties requiring the same, have given good and sufficient caution and security into the Court, that they will not any way break or transgress the said restraint or prohibition.

108.—*The Penalty of Judges offending in the premises.*

And if any Judge, giving sentence of Divorce or Separation, shall not fully keep and observe the premises, he shall be by the Archbishop of the Province, or by the Bishop of the Diocese, suspended from the exercise of his office for the space of a whole year; and the sentence of Separation, so given contrary to the form aforesaid, shall be held void to all intents and purposes of the law, as if it had not at all been given or pronounced.

Ecclesiastical Courts belonging to the jurisdiction of Bishops and Archdeacons, and the proceedings in them.

109.—*Notorious Crimes and Scandals, to be certified into Ecclesiastical Courts by Presentment.*

If any offend their brethren, either by adultery, whoredom, incest, or drunkenness, or by swearing, ribaldry, usury and other uncleanness, and wickedness of life, the Church-wardens, or Questmen, and Sidemen, in their next presentments to their Ordinaries, shall faithfully present all and every of the said offenders, to the intent that they, and every of them may be punished by the severity of the laws, according to their deserts; and such notorious offenders shall not be admitted to the Holy Communion, till they be reformed.

**110.—Schismatics to be presented.**

If the Church-wardens, or Quest-men, or Assistants do or shall know any man within their Parish, or elsewhere, that is a hinderer of the word of God to be read or sincerely preached, or of the execution of these our constitutions, or a Fautor of any usurped or foreign power, by the laws of this realm justly rejected and taken away, or a defender of popish and erroneous doctrine; they shall detect and present the same to the Bishop of the Diocese, or Ordinary of the place, to be censured and punished according to such ecclesiastical laws as are prescribed in that behalf.

**111.—Disturbers of Divine Service to be presented.**

In all Visitations of Bishops and Archdeacons, the Church-wardens, or Quest-men, and Sidemen, shall truly and personally present the names of those which behave themselves rudely and disorderly in the Church, or which by untimely ringing of bells, by walking, talking, or other noise, shall hinder the Minister or Preacher.

**112.—Non-Communicants at Easter to be presented.**

The Minister, Church-wardens, Quest-men, and Assistants of every Parish Church and Chapel, shall yearly, within forty days after *Easter*, exhibit to the Bishop or his Chancellor, the names and surnames of all the Parishioners, as well men as women, which being of the age of sixteen years, received not the Communion at *Easter* before.

**113.—Ministers may not present.**

Because it often cometh to pass, that the Church-wardens, Sidemen, Quest-men, and such other persons of the Laity, as are to take care for the suppressing of sin and wickedness in their several parishes, as much as in them lieth, by admonition, reprobation, and denunciation to their Ordinaries, do forbear to discharge their duties therein, either through fear of their superiors, or through negligence more than were fit, the licentiousness of these times considered; we ordain that hereafter any Parson or Vicar, or in the lawful absence of any Parson or Vicar, then their Curates and substitutes may join in every presentment with the said Church-wardens, Sidemen, and the rest above-mentioned, at the times hereafter limited, if they the said Church-wardens and the rest will present such enormities as are apparent in the parish; or if they will not, then every such Parson and Vicar, or in their absence, as aforesaid, their Curates, may themselves present to their Ordinaries at such times, and when else they think it meet, all such crimes as they have in charge, or otherwise, as by them being (the persons that should have the chief care for the suppressing of sin and impiety in their parishes) shall be thought, to require due reformation. Provided always, that if any man confess his secret and hidden sins to the Minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we

do not any way bind the said Minister by this our constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever, any crime or offence so committed to his trust and secrecy (except they be such crimes, as by the laws of this realm his own life may be called into question for concealing the same) under pain of irregularity.

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*114.—Ministers shall present Recusants.*

Every Parson, Vicar, or Curate shall carefully inform themselves every year hereafter, how many Popish Recusants, Men, Women and Children, above the age of thirteen years, and how many being popishly given (who though they come to the Church, yet do refuse to receive the Communion) are inhabitants, or make their abode, either as sojourners, or common guests, in any of their several parishes, and shall set down their true names in writing (if they can learn them) or otherwise such names as for the time they carry, distinguishing the absolute recusants from half recusants; and the same, so far as they know or believe, so distinguished and set down under their hands, shall truly present to their Ordinaries before the Feast of the Nativity next ensuing, under pain of suspension to be inflicted upon them by their said Ordinaries; and so every year hereafter, upon the like pain, before the Feast of St. John Baptist. Also we ordain, that all such Ordinaries, Chancellors, Commissaries, Archdeacons, officials, and all other ecclesiastical officers, to whom the said presentments shall be exhibited, shall likewise within one month after the receipt of the same, under pain of suspension by the Bishop from the execution of their offices for the space of half a year, as often as they shall offend therein, deliver them, or cause to be delivered to the Bishop respectively; who shall also exhibit them to the Archbishop within six weeks, and the Archbishop to his Majesty within other six weeks, after he hath received the said presentments.

*115.—Ministers and Church-wardens not to be sued for presenting.*

Whereas for the reformation of criminal persons and disorders in every parish, the Church-wardens, Quest-men, Sidemen, and such other Church officers are sworn, and the Minister charged to present as well the crimes and disorders committed by the said criminous persons, as also the common fame which is spread abroad of them, whereby they are maligned, and sometimes troubled by the said delinquents, or their friends; we do admonish and exhort all Judges, both ecclesiastical and temporal, as they regard and reverence the fearful judgment-seat of the Highest Judge, that they admit not in any of their courts any complaint, plea, suit, or suits against any such Church-wardens, Quest-men, Sidemen, or other Church officers, for making any such presentments, nor against any Minister for any presentment that he shall make; all the said presentments tending to the restraint of shameless impiety, and considering, that the rules both of charity and government do presume, that they did nothing therein of malice, but for the discharge of their consciences.

116.—*Church-wardens not bound to present oftener than twice a year.*

No Church-wardens, Quest-men, or Sidemen of any Parish shall be enforced to exhibit their presentments to any having ecclesiastical jurisdiction, above once in every year, where it hath been no oftener used, nor above twice in any Diocese whatsoever, except it be at the Bishop's visitation. For the which presentments of every Parish Church, or Chapel, the register of any court, where they are to be exhibited shall not receive in one year above four pence, under pain for every offence therein, of suspension from the execution of his office for the space of a month, *toties quoties*. Provided always, that as good occasion shall require, it shall be lawful for every Minister, Church-wardens, and Sidemen to present offenders as oft as they shall think meet; and likewise for any godly disposed person, or for any ecclesiastical Judge, upon knowledge or notice given unto him or them of any enormous crime within his jurisdiction, to move the Minister, Church-wardens, or Sidemen, as they tender the glory of God, and the reformation of sin, to present the same if they shall find sufficient cause to induce them thereunto, that it may be in due time punished and reformed. Provided, that for these voluntary presentments there be no fee required or taken of them, under the pain aforesaid.

117.—*Church-wardens not to be troubled for not presenting oftener than twice a year.*

No Church-wardens, Quest-men, or Sidemen shall be called or cited, but only at the said time or times before limited, to appear before any ecclesiastical Judge whosoever, for refusing at other times to present any faults committed in their Parishes, and punishable by ecclesiastical laws. Neither shall they, nor any of them, after their presentments exhibited at any of those times, be any further troubled for the same, except upon manifest and evident proof, it may appear, that they did then willingly and wittingly omit to present some such publick crime or crimes as they knew to be committed, or could not be ignorant that there was then a publick fame of them; or unless there be very just cause to call them for the explanation of their former presentments. In which case of wilful omission, their Ordinaries shall proceed against them in such sort, as in causes of wilful perjury in a Court ecclesiastical it is already by law provided.

118.—*The old Church-wardens to make their Presentments before the new be sworn.*

The office of all Church-wardens and Sidemen shall be reputed ever hereafter to continue until the new Church-wardens that shall succeed them be sworn, which shall be the first week after *Easter*, or some week following, according to the direction of the Ordinary. Which time so appointed, shall always be one of the two times in every year, when the Minister, and Church-wardens, and Sidemen of every Parish shall exhibit to their several Ordinaries the presentments of such enor-

mities as have happened in their Parishes since their last presentments. And this duty they shall perform, before the newly chosen Church-wardens, and Sidemen be sworn, and shall not be suffered to pass over the said presentments to those that are newly come into office, and are by intendment ignorant of such crimes; under pain of those censures which are appointed for the reformation of such dalliers and dispensers with their own consciences and oaths.

**119.—Convenient time to be assigned for framing Presentments.**

For the avoiding of such inconveniences as heretofore have happened by the hasty making of bills of presentments upon the days of the visitations and synods, it is ordered, that always hereafter every Chancellor, Archdeacon, Commissary and Official, and every other person having ecclesiastical jurisdiction, at the ordinary time when the Church-wardens are sworn, and the Archbishop and Bishops, when he or they do summon their visitation, shall deliver, or cause to be delivered to the Church-wardens, Quest-men, and Sidemen of every Parish, or to some of them, such books of articles, as they or any of them shall require, for the year following, the said Church-wardens, Quest-men, and Sidemen to ground their presentments upon, at such times as they are to exhibit them. In which book shall be contained the form of the oath, which must be taken immediately before every such presentment, to the intent that having beforehand time sufficient, not only to peruse and consider what their said oath shall be, but the articles also whereupon they are to ground their presentments, they may frame them at home both adviseably and truly, to the discharge of their own consciences, after they are sworn, as becometh honest and godly men.

**120.—None to be cited into ecclesiastical Court by process of quorum nomina.**

No Bishop, Chancellor, Archdeacon, Official, or other ecclesiastical Judge, shall suffer any general processes of *quorum nomina* to be sent out of his Court, except the names of all such as thereby are to be cited, shall be first expressly entered by the hand of the Register, or his deputy, under the said processes, and the said processes and names be first subscribed by the Judge, or his deputy, and his seal thereto affixed.

**121.—None to be cited into several Courts for one crime.**

In places where the Bishop and Archdeacon do by prescription or composition visit at several times in one and the same year, lest for one and the self-same fault any of His Majesty's subjects should be challenged and molested in divers ecclesiastical Courts; we order and appoint, that every Archdeacon, or his Official, within one month after the visitation ended that year, and the presentments received, shall certify under his hand and seal to the Bishop, or his Chancellor, the names and crimes of all such as are detected and presented in his said visitation, to the end the Chancellor shall thenceforth forbear to

convent any person for any crime or cause so detected or presented to the Archdeacon. And the Chancellor within the like time after the Bishop's visitation ended, and presentsments received, shall under his hand and seal signify to the Archdeacon, or his Official, the names and crimes of all such persons which shall be directed or presented unto him in that visitation, to the same intent as is aforesaid. And if these officers shall not certify each other, as is here prescribed, or after such certificate shall intermeddle with the crimes or persons detected and presented in each other's visitation; then every of them so offending, shall be suspended from all exercise of his jurisdiction by the Bishop of the Diocese, until he shall repay the costs and expences which the parties grieved have been at by that vexation.

**122.—No Sentence of Deprivation or Deposition to be pronounced against a Minister, but by the Bishop.**

When any Minister is complained of in any ecclesiastical Court belonging to any Bishop of his province, for any crime, the Chancellor, Commissary, Official, or any other having ecclesiastical jurisdiction, to whom it shall appertain, shall expedite the cause by processes and other proceedings against him: and upon contumacy, for not appearing, shall first suspend him; and afterward, his contumacy continuing, excommunicate him. But if he appear, and submit himself to the course of law, then the matter being ready for sentence, and the merits of his offence exacting by law either deprivation from his living, or deposition from the Ministry, no such sentence shall be pronounced by any person whosoever, but only by the Bishop, with the assistance of his Chancellor, the Dean (if they may be conveniently had) and some of the Prebendaries, if the Court be kept near the Cathedral Church, or of the Archdeacon, if he may be had conveniently, and two others at the least grave Ministers and Preachers, to be called by the Bishop, when the Court is kept in other places.

**123.—No act to be sped but in open Court.**

No Chancellor, Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction whosoever, shall speed any judicial act either of contentious or voluntary jurisdiction, except he have the Ordinary Register of that Court, or his lawful deputy; or if he or they will not, or cannot be present, then such persons, as by law are allowed in that behalf, to right or speed the same, under pain of suspension *ipso facto*.

**124.—No Court to have more than one seal.**

No Chancellor, Commissary, Archdeacon, Official, or any other exercising ecclesiastical jurisdiction, shall without the Bishop's consent have any more seals than one for the sealing of all matters incident to his office: which seal shall always be kept either by himself, or by his lawful substitute exercising jurisdiction for him, and remaining within the jurisdiction of the said Judge, or in the city or principal town of the country. This seal shall contain the title of that jurisdiction, which every of the said Judges or their deputies do execute.

**125.—Convenient Places to be chosen for the keeping of Courts.**

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All Chancellors, Commissaries, Archdeacons, Officials, and all other exercising ecclesiastical jurisdiction, shall appoint such meet places for the keeping of their Courts, by the assignment or approbation of the Bishop of the Diocese, as shall be convenient for entertainment of those that are to make their appearance there, and most indifferent for their travel. And likewise they shall keep and end their Courts in such convenient time, as every man may return homewards in as due season as may be.

**126.—Peculiar and inferior Courts to exhibit the original Copies of Wills into the Bishop's Registry.**

Whereas Deans, Archdeacons, Prebendaries, Parsons, Vicars, and others, exercising ecclesiastical jurisdiction, claim liberty to prove last Wills and Testaments of persons deceased within their several jurisdictions, having no known or certain registers, nor publick place to keep their records in; by reason whereof many Wills, Rights and Legacies, upon the death or change of such persons, and their Private Notaries, miscarry and cannot be found, to the great prejudice of his Majesty's subjects; we therefore order and enjoin, that all such possessors and exercisers of peculiar jurisdiction shall once in every year exhibit into the publick registry of the Bishop of the Diocese, or of the Dean and Chapter, under whose jurisdiction the said peculiars are, every original testament of every person in that time deceased, and by them proved in their several peculiar jurisdictions, or a true copy of every such Testament, examined, subscribed and sealed by the peculiar Judge and his Notary; otherwise, if any of them fail so to do, the Bishop of the Diocese, or Dean and Chapter, unto whom the said jurisdictions do respectively belong, shall suspend the said parties, and every of them, from the exercise of all such peculiar jurisdiction, until they have performed this our constitution.

Judges Ecclesiastical, and their Surrogates.

**127.—The Quality and Oath of Judges.**

No man shall hereafter be admitted a Chancellor, Commissary, or Official, to exercise any ecclesiastical jurisdiction, except he be of the full age of six and twenty years at the least, and one that is learned in the civil and ecclesiastical laws, and is at the least a Master of Arts, or Bachelor of Law, and is reasonably well practised in the course thereof, as likewise well affected, and zealously bent to religion, touching whose life and manners no evil example is had; and except before he enter into or execute any such office, he shall take the oath of the King's supremacy in the presence of the Bishop, or in the open Court, and shall subscribe to the Articles of religion, agreed upon in the Convocation in the year one thousand five hundred sixty and two, and shall also swear that he will, to the uttermost of his understanding,

deal uprightly and justly in his office, without respect or favour of reward; the said oaths and subscription to be recorded by a Register then present. And likewise, all Chancellors, Commissaries, Officials, Registers, and all other that do now possess or execute any places of ecclesiastical jurisdiction, or service, shall before *Christmas* next, in the presence of the Archbishop, or Bishop, or in open Court, under whom or where they exercise their offices, take the same oaths, and subscribe, as before is said; or, upon refusal so to do, shall be suspended from the execution of their offices until they shall take the said oaths, and subscribe as aforesaid.

**128.—*The Quality of Surrogates.***

No Chancellor, Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction, shall at any time substitute in their absence any to keep any Court for them, except he be either a grave Minister and a Graduate, or a licensed publick preacher, and a beneficed man, near the place where the Courts are kept, or a Bachelor of Law, or a Master of Arts at least, who hath some skill in the civil and ecclesiastical law, and is a favourer of true religion, and a man of modest and honest conversation: under pain of suspension, for every time that they offend therein, from the execution of their offices, for the space of three months, *toties quoties*. And he likewise that is deputed, being not qualified as is before expressed, and yet shall presume to be a substitute to any Judge, and shall keep any Court, as is aforesaid, shall undergo the same censure, in manner and form as is before expressed.

**Proctors.**

**129.—*Proctors not to retain Causes without the lawful Assignment of the Parties.***

None shall procure in any cause whatsoever, unless he be there unto constituted and appointed by the party himself, either before the Judge, and by act in Court, or unless, in the beginning of the suit, he be by a true and sufficient proxy thereunto warranted and enabled. We call that proxy sufficient, which is strengthened and confirmed by some authentical seal, the party's approbation, or at least his ratification wherewithal concurring. All which proxies shall be forthwith by the said Proctors exhibited into the Court, and be safely kept and preserved by the Register in the publick registry of the said Court. And if any Register or Proctor shall offend herein, he shall be secluded from the exercise of his office, for the space of two months, without hope of release or restoring.

**130.—*Proctors not to retain Causes without the Counsel of an Advocate.***

For lessening and abridging the multitude of suits and contentions, as also for preventing the complaints of suitors in Courts ecclesiastical, who many times are overthrown by the oversight and negligence, or by the ignorance and insufficiency of Proctors; and likewise for the

furtherance and increase of learning, and the advancement of civil and canon law, following the laudable customs heretofore observed in the Courts pertaining to the Archbishop of *Canterbury*; we will and ordain, that no Proctor exercising in any of them, shall entertain any cause whatsoever, and keep and retain the same for two Court days, without the counsel and advice of an Advocate, under pain of a year's suspension from his practice; neither shall the Judge have power to release or mitigate the said penalty, without express mandate and authority from the Archbishop aforesaid.

**131.—Proctors not to conclude in any Cause without the knowledge of an Advocate.**

No Judge in any of the said Courts of the Archbishop shall admit any libel, or any other matter, without the advice of an Advocate admitted to practise in the same Court, or without his subscription; neither shall any Proctor conclude any cause depending, without the knowledge of the Advocate retained and feed in the cause: which if any Proctor shall do, or procure to be done, or shall by any colour whatsoever defraud the Advocate of his duty or fee, or shall be negligent in repairing to the Advocate, and requiring his advice what course is to be taken in the cause, he shall be suspended from all practice for the space of six months, without hope of being thereunto restored before the said term be fully complete.

**132.—Proctors prohibited the Oath *In animam Domini sui.***

Forasmuch as in the Probate of Testaments and suits for Administration of the goods of persons dying intestate, the oath usually taken by Proctors of Courts, *In animam constituentis*, is found to be inconvenient: we do therefore decree and ordain, that every executor, or suitor for Administration, shall personally repair to the Judge in that behalf, or his Surrogate, and in his own person (and not by Proctor,) take the oath accustomed in these cases. But if by reason of sickness, or age, or any other just lett or impediment) he be not able to make his personal appearance before the Judge, it shall be lawful for the Judge (there being faith first made by a credible person, of the truth of his said hindrance or impediment) to grant a commission to some grave ecclesiastical person, abiding near the party aforesaid, whereby he shall give power and authority to the said ecclesiastical person, in his stead, to minister the accustomed oath above-mentioned to the executor, or suitor for such Administration, requiring his said substitute, and faithfully what he hath done therein. Lastly, we ordain and appoint, that no Judge or Register shall in any wise receive for the writing, drawing, or sealing of any such commission, above the sum of six shillings and eight pence; whereof one moiety to be for the Judge, and the other for the Register of the said Court.

133.—*Proctors not to be clamorous in Court.*

Forasmuch as it is found by experience, that the loud and confused cries and clamours of Proctors in the Courts of the Archbishop, are not only troublesome and offensive to the Judges and Advocates, but also give occasion to the standers-by, of contempt and calumny toward the Court itself; that more respect may be had to the dignity of the Judge than heretofore, and that causes may more easily and commodiously be handled and dispatched, we charge and enjoin, that all Proctors in the said Courts do especially intend, that the acts be faithfully entered and set down by the Register, according to the advice and direction of the Advocate; that the said Proctors refrain loud speech and babbling, and behave themselves quietly and modestly: and that when either the Judges or Advocates, or any of them shall happen to speak, they presently be silent, upon pain of silencing for two whole terms, then immediately following every such offence of theirs. And if any of them shall the second time offend herein, and after due monition shall not reform himself, let him be for ever removed from his practice.

## Registers.

134.—*Abuses to be reformed in Registers.*

If any Register, or his Deputy or substitute whatsoever, shall receive any certificate without the knowledge and consent of the Judge of the Court, or willingly omit to cause any person cited to appear upon any Court day, to be called; or unduly put off, and deter the examination of witnesses to be examined by a day set and assigned by the said Judge; or do not obey and observe the judicial and lawful monition of the said Judge; or omit to write, or cause to be written such citations and decrees as are to be put in execution, and set forth before the next Court-day; or shall not cause all Testaments exhibited into his office, to be registered within a convenient time; or shall set down or enact, as decreed by the Judge, any thing false, or concealed by himself, and not so ordered or decreed by the Judge; or, in the transmission of processes to the Judge *ad quem*, shall add or insert any falsehood or untruth, or omit any thing therein, either by cunning, or by gross negligence; or in causes of instance, or promoted of office, shall receive any reward in favour of either party; or be of counsel directly or indirectly with either of the parties in suit; or in the execution of their office shall do aught else maliciously, or fraudulently, whereby the said Ecclesiastical Judge, or his proceedings, may be slandered or defamed; We will and ordain, that the said Register, or his deputy or substitute, offending in all or any of the premises, shall by the Bishop of the Diocese be suspended from the exercise of his office for the space of one, two, or three months, or more, according to the quality of his offence; and that the said Bishop shall assign some other publick Notary to execute and discharge all things pertaining to his office, during the time of his said suspension.

135.—*A certain Rate of Fees due to all Ecclesiastical Officers.*

No Bishop, Suffragan, Chancellor, Commissary, Archdeacon, Official, nor any other exercising ecclesiastical jurisdiction whatsoever, nor any Register of any ecclesiastical courts, nor any Minister belonging to any of the said officers or courts, shall hereafter, for any cause incident to their several offices, take or receive any other or greater fees than such as were certified to the most Reverend Father in God, John, late Archbishop of *Canterbury*, in the year of our Lord God one thousand five hundred ninety and seven, and were by him ratified and approved; under pain, that every such Judge, Officer, or Minister offending herein, shall be suspended from the exercise of their several offices for the space of six months, for every such offence. Always provided, that if any question shall arise concerning the certainty of the said fees, or any of them, then those fees shall be held for lawful, which the Archbishop of *Canterbury* for the time being shall under his hand approve, except the statutes of this realm before made do in any particular case express some other fees to be due. Provided, furthermore, that no fee or money shall be received either by the Archbishop, or any Bishop, or Suffragan, either directly or indirectly, for admitting of any into sacred orders; nor that any other person, or persons under the said Archbishop, Bishop, or Suffragan, shall, for parchment, writing, wax, sealing, or any other respect thereunto appertaining, take above ten shillings, under such pains as are already by law prescribed.

136.—*A Tabl' of the Rates and Fees to be set up in Courts  
and Registries.*

We do likewise constitute and appoint, that the Registers belonging to every such Ecclesiastical Judge, shall place two tables, containing the several rates and sums of all the said fees; one in the usual place or consistory where the Court is kept, and the other in his Registry; and both of them in such sort, as every man, whom, it concerneth, may without difficulty come to the view and perusal thereof, and take a copy of them; the same tables to be set up before the Feast of the Nativity next ensuing. And if any Register shall fail to place the said tables according to the tenor hereof, he shall be suspended from the execution of his office, until he cause the same to be accordingly done: and the said tables being once set up, if he shall at any time remove or suffer the same to be removed, hidden, or any way hindered from sight, contrary to the true meaning of this constitution, he shall for every such offence be suspended from the exercise of his office for the space of six months.

137.—*The whole Fees for shewing Letter of Orders, and other  
Licenses, due but once in every Bishop's time.*

Forasmuch as the chief and principal cause and use of visitation is, that the Bishop, Archdeacon, or other assigned to visit, may get some good knowledge of the state, sufficiency and ability of the Clergy, and other persons whom they are to visit; we think it convenient, that

every Parson, Vicar, Curate, Schoolmaster, or other person licensed whosoever, do at the Bishop's first visitation, or at the next visitation after his admission, shew and exhibit unto him his letters of orders, institution, and induction, and all other his dispensations, licenses or faculties whatsoever, to be by the said Bishop either allowed, or (if there be just cause) disallowed and rejected; and being by him approved, to be as the custom is, signed by the Register; and that the whole fees accustomed to be paid in the visitations in respect of the premises, to be paid only once in the whole time of every Bishop, and afterwards but half of the said accustomed fees in every other visitation, during the said Bishop's continuance.

### Apparitors.

#### 138.—*The Number of Apparitors restrained.*

Forasmuch as we are desirous to redress such abuses and aggrievances as are said to grow by Sommers or Apparitors, we think it meet that the multitude of Apparitors, be (as much as is possible) abridged or restrained: wherefore we decree and ordain, that no Bishop, or Archdeacon, or their Vicars, or Officials, or other inferior Ordinaries, shall depute or have more Apparitors to serve in their jurisdictions respective, than either they or their predecessors were accustomed to have thirty years before the publishing of these our present constitutions. All which Apparitors shall by themselves faithfully execute their offices; neither shall they by any colour or pretence whatsoever, cause or suffer their mandates to be executed by any messengers or substitutes, unless it be upon some good cause to be first known and approved by the Ordinary of the place. Moreover, they shall not take upon them the office of promoters or informers for the Court, neither shall they exact more or greater fees than are in these our constitutions formerly prescribed. And if either the number of the Apparitors deputed shall exceed the aforesaid limitation, or any of the said Apparitors shall offend in any of the premises; the persons deputing them, if they be Bishops, shall, upon admonition of their superior, discharge the persons exceeding the number so limited; if inferior ordinaries, they shall be suspended from the execution of their office, until they have dismissed the Apparitors by them so deputed; and the parties themselves so deputed, shall for ever be removed from the office of Apparitors; and if, being so removed, they desist not from the exercise of their said offices, let them be punished by ecclesiastical censures, as persons contumacious. Provided, that if upon experience the number of the said Apparitors be too great in any Diocese in the judgment of the Archbishop of Canterbury for the time being, they shall by him be so abridged, as he shall think meet and convenient.

### Authority of Synods.

#### 139.—*A National Synod the Church Representative.*

Whosoever shall hereafter affirm, that the sacred Synod of this nation, in the name of Christ, and by the King's authority assembled, is not

the true Church of *England* by representation, let him be excommunicated, and not restored until he repent, and publickly revoke that his wicked error.

**140.—*Synods conclude as well the absent as the present.***

Whosoever shall affirm, that no manner of person, either of the Clergy or Laity, not being themselves particularly assembled in the said sacred synod, are to be subiect to the decrees therof in causes ecclesiastical (made and ratified by the King's Majesty's supreme authority) as not having given their voices unto them; let him be excommunicated, and not restored until he repent, and publickly revoke that his wicked error.

**141.—*Depravers of the Synod, censured.***

Whosoever shall hereafter affirm, that the sacred Synod assembled as aforesaid, was a company of such persons as did conspire together against godly and religious Professors of the Gospel; and that therefore both they, and their proceeding in making of Canons and Constitutions in causes ecclesiastical by the King's authority, as aforesaid, ought to be despised and contemned, the same being ratified, confirmed, and enjoined by the said regal power, supremacy, and authority; let them be excommunicated, and not restored, until they repent, and publickly revoke that their wicked error.

WE of Our princely inclination and royal care for the manutenance of the present estate and government of the Church of England, by the laws of this Our realm now settled and established, having diligently with great contentment and comfort, read and considered of all these their said Canons, Orders, Ordinances, and Constitutions, agreed upon, as is before expressed; and finding the same such as we are persuaded will be very profitable, not only to Our Clergy, but to the whole Church, of this Our Kingdom, and to all the true members of it, if they be well observed; have therefore for Us, Our Heirs, and Lawful Successors, of Our special grace, certain knowledge, and mere motion, given, and by these presents do give Our royal assent, according to the form of the said statute or act of Parliament aforesaid, to all and every of the said Canons, Orders, Ordinances, and Constitutions, and to all and every thing in them contained, as they are before written.

And furthermore, We do not only by Our said prerogative royal, and supreme authority in causes ecclesiastical, ratify, confirm, and establish, by these Our Letters Patents, the said Canons, Orders, Ordinances, and Constitutions, and all and every thing in them contained, as is aforesaid; but do likewise propound, publish, and straightway enjoin and command by Our said authority, and by these Our Letters Patents, the same to be diligently observed, executed, and equally kept by all Our loving subjects of this Our Kingdom, both within the provinces of Canterbury and York, in all points wherein they do or may concern every or any of them, according to this Our will and pleasure hereby signified and expressed: and that likewise, for the better observation of them, every Minister, by what name or title

soever he be called, shall, in the Parish Church or Chapel where he hath charge, read all the said Canons, Orders, Ordinances, and Constitutions, once every year, upon some Sundays or holy-days, in the afternoon, before divine service, dividing the same in such sort, as that the one-half may be read one day, and the other another day. The book of the said Canons to be provided at the charge of the Parish, betwixt this and the Feast of the Nativity of our Lord God next ensuing : straitly charging and commanding all Archbishops, Bishops, and all other that exercise any ecclesiastical jurisdiction within this realm, every man in his place, to see, and procure (so much as in them lieth) all and every of the same Canons, Orders, Ordinances, and Constitutions, to be in all points duly observed ; not sparing to execute the penalties in them severally mentioned, upon any that shall wittingly or wilfully break or neglect to observe the same, as they tender the honour of God, the peace of the Church, the tranquillity of the Kingdom, and their duties and service to Us their King and Sovereign.

In witness, &c.

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APP. (C.)

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- 1 GRANDMOTHER,
- 2 Grandfather's Wife,
- 3 Wife's Grandmother.
  
- 4 Father's Sister,
- 5 Mother's Sister,
- 6 Father's Brother's Wife.
  
- 7 Mother's Brother's Wife,
- 8 Wife's Father's Sister,
- 9 Wife's Mother's Sister.
  
- 10 Mother,
- 11 Step-Mother,
- 12 Wife's Mother.
  
- 13 Daughter,
- 14 Wife's Daughter,
- 15 Son's Wife.
  
- 16 Sister,
- 17 Wife's Sister,
- 18 Brother's Wife.
  
- 19 Son's Daughter,
- 20 Daughter's Daughter,
- 21 Son's Son's Wife.
  
- 22 Daughter's Son's Wife,
- 23 Wife's Son's Daughter,
- 24 Wife's Daughter's Daughter.
  
- 25 Brother's Daughter,
- 26 Sister's Daughter,
- 27 Brother's Son's Wife.
  
- 28 Sister's Son's Wife,
- 29 Wife's Brother's Daughter,
- 30 Wife's Sister's Daughter.

*A Woman may not marry with her*

- 1 GRANDFATHER,
- 2 Grandmother's Husband,
- 3 Husband's Grandfather.
  
- 4 Father's Brother,
- 5 Mother's Brother,
- 6 Father's Sister's Husband.
  
- 7 Mother's Sister's Husband,
- 8 Husband's Father's Brother,
- 9 Husband's Mother's Brother.
  
- 10 Father,
- 11 Step-Father,
- 12 Husband's Father.
  
- 13 Son,
- 14 Husband's Son,
- 15 Daughter's Husband.
  
- 16 Brother,
- 17 Husband's Brother,
- 18 Sister's Husband.
  
- 19 Son's Son,
- 20 Daughter's Son,
- 21 Son's Daughter's Husband,
  
- 22 Daughter's Daughter's Husband,
- 23 Husband's Son's Son, [band,
- 24 Husband's Daughter's Son.
  
- 25 Brother's Son,
- 26 Sister's Son,
- 27 Brother's Daughter's Husband.
  
- 28 Sister's Daughter's Husband,
- 29 Husband's Brother's Son,
- 30 Husband's Sister's Son.





## A P P E N D I X. (E.)

### BISHOP'S COLLEGE AND ITS MISSIONS.

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**B**I SHOP'S COLLEGE, the most important Missionary Institution in India, is situated on the right bank of the Hooghly, about four miles below Calcutta. It owes its origin to the Right Reverend THOMAS FANSHAWE MIDDLETON, the first Bishop of British India; at whose earnest request the Incorporated Society for the Propagation of the Gospel in Foreign Parts agreed, in 1819, to build it.

BISHOP'S COLLEGE was then founded, the site being granted by the supreme government of India, for the maintenance of a Principal and of two subordinate Professors, and for as many students and probationers as may be required for the service of the missions, and be maintained by the funds of the institution. Its declared object is the education and instruction of native and other youths in the principles and discipline of the united Church of England and Ireland, in order to their becoming Missionaries, Catechists, and School-masters; and also the translation of the Scriptures, of the Liturgy, and of other religious books, into the native languages. It is also intended to afford to the Society's missionaries, sent out from Europe, a place of temporary residence, during which they may qualify themselves for the better discharge of their duties in India.

The COLLEGE, erected for these purposes by Bishop Middleton, consisted only of the eastern quadrangle, containing the chapel, the library, the hall, separate suites of apartments for the Principal and the Professors, and rooms for the students. But when, in 1829, Bishop Turner wished to extend the benefit of the College-education to lay-students generally, the Incorporated Society passed a resolution, by which *non-foundation* students should be admitted into Bishop's College; and the building was consequently enlarged to its present size, by the addition of the western quadrangle.

The COLLEGE ESTATE, granted to the Incorporated Society by the Government of India, in the name and on the behalf of the Honourable East India Company; all funds destined to the support of the College; and all property, real or personal, belonging to or connected with the Society's missions and schools, are vested in the Incorporated Society for ever; with whom also is the ultimate government and the absolute and entire control of the College. The Lord Bishop of Calcutta for the time being is the Visitor of the College, with power to inspect from time to time its state and proceedings, to interpret the statutes in doubtful cases, and to make such further regulations (not being contrary to any of the general principles on which the College is founded) as occasion may seem to him to require.

But the ordinary Government of the College is in the COLLEGE COUNCIL, which consists of the Principal and the two Professors, who, according to the statutes, must reside within the College. Two out of the three are competent to act; and any point remaining undetermined by the College Council, is to be referred to the decision of the Visitor.

The Professorships, and the appointment of the Principal, rest with the Incorporated Society. In the event of any sudden vacancy, the Visitor is empowered to supply the place *pro tempore*. The PRINCIPAL is especially charged with the superintendence of the morals and conduct of the Students, and with their instruction in Divinity. The SENIOR PROFESSOR acts as Secretary to the College Council, and conducts the whole of the correspondence connected with the College. He has also the management of the library. The JUNIOR PROFESSOR is charged with the duties of the College-Bursar, and with the care of the College buildings and grounds. He has to submit monthly to the College Council the current expenses of the establishment: which, having been duly examined and approved, are defrayed by authority of the College Council.

The SYSTEM OF INSTRUCTION in Bishop's College is in the main that of English collegiate education, with such modifications as may best suit the circumstances of those who are to teach Christianity in a heathen country. THEOLOGY, with the HEBREW, GREEK, and LATIN languages, as subsidiary to it; HISTORY, both ancient and modern, ecclesiastical and civil, and the elements of PHILOSOPHICAL and MATHEMATICAL knowledge, form the course of instruction carried on within the College, under the tuition of the Principal and of the Professors. But the teaching of the Sanscrit, Bengalee, Hindustháni, Persian, Arabic, Tamil, and Singhalese, languages, belongs to several learned pundits and moonshees who are attached to the College, and placed under the immediate superintendence of the resident authorities.

The STUDENTS, whether on the foundation or not, are Christian youths, who have been well grounded and instructed in the principles of the English Church. They may be either of European, or mixed, or wholly of native race; preference (when other qualifications are equal) being shewn to the sons of Missionaries or of School-masters in India, and to the sons of Chaplains of the Hon. East India Company.

The age at which Students are usually admitted into the College is fifteen or sixteen; and the period of their residence in it is generally five years. Exceptions are allowable in both cases, under special circumstances, at the discretion of the Visitor. The Students, (who must be furnished with the necessary documents respecting their age, baptism, health, &c.) are received into the College at any of the monthly meetings of the Council, after examination and approval, on the recommendation of their respective Archdeacons, and nomination by the Visitor.

Lay, or *non-foundation* Students are placed in all respects on the same footing as those who are on the foundation; except that they are not obliged, like them, to declare, when they are admitted into the College, their intention of becoming ultimately candidates for holy orders. They are required to wear the academical dress prescribed for the foundation Students. They all pay for diet, room rent, and tuition,

monthly, and in advance, sixty-four sicca rupees (7*l.*). To every non-foundation Student is assigned a separate apartment, which is furnished at his own cost. The foundation Students, with the exception of those on the Powerscourt and Church Missionary Society's foundations, are also required to furnish each his own apartment, and to provide themselves with clothing.

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When a SCHOLAR, or foundation Student, has completed the term of his education in the College, he is removed to such station as may be appointed to him, and he is there employed as CATECHIST under the principal Missionary of that station; to assist in the labours of the mission; to act as School-master where no other is appointed; and to prosecute his studies, with a view to his being admitted, when duly qualified, to holy orders.

The period of this preparatory state is generally three years; after which the Catechists in the service of the Incorporated Society, having forwarded the requisite testimonials, are re-admitted into the College under the name of PROBATIONERS; subject to the discipline of the institution, and for the purpose of employing their time in prayer and diligent study as a preparation for holy orders, and for the effectual discharge of their future duties. They remain in the College until they are ordained Deacons, when they repair (being first licensed by the Bishop) to the stations respectively assigned to them in the character and with the salary of Missionaries.

DIVINE SERVICE is performed in the College Chapel Morning and Evening daily throughout the year; and two sermons are preached on Sundays in the College chapel. These services, together with the duty of the church of St. Thomas, Howrah, (which has been under the charge of Bishop's College, almost uninterruptedly since its erection,) are equally shared by the Principal and the Professors. Every Student is expected to attend chapel daily, morning and evening, unless prevented by illness.

There are two VACATIONS in the year, of one Calendar month each, commencing respectively on the 15th of June and on the 15th of December; and also two of one week each, at Easter and at Michaelmas.

An annual EXAMINATION takes place in the College Hall in the second week in December; and on the 26th January is holden, in the College Chapel, a COMMEMORATION of the Founders and Benefactors of the institution, who (whether individuals or societies) have from time to time made donations to the College, or founded Scholarships in it. The Scholarships already founded are *twenty-three* in number: viz. *four*, supported by the Incorporated Society; *six* Middleton Scholarships, endowed by the Society for Promoting Christian Knowledge, by which were also founded *two* Heber Foreign Theological Scholarships, to be filled by youths from the ancient Episcopal Churches of Asia, which do not acknowledge the supremacy of the Pope; *two* founded by the Church Missionary Society; *one* endowed by the late Lord Powerscourt; *one* Bombay Scholarship in memory of Bishop Heber; *six* Scholarships, founded by the late R. Jackson, Esq., of Forkhill, in the county of Armagh; and *one* founded by some friends of the late Principal, the Rev. Dr. Mill, to be called "Mill's Scholarship;" *lastly*, the sum of 1000*l.*, given by the Rev. J. Natt, late vicar of St. Sepulchre, London, has been applied to the endow-  
l

ment of a *fellowship*, to be filled by native students only, and to be called, "the Natt Syndic Fellowship."\*

The LIBRARY, towards which the Universities of Oxford and of Cambridge, Bishop Middleton, the Rev. Dr. Mill, and other individuals, have largely contributed, contains about 6000 volumes, mostly on Theology. It is placed under the immediate charge of the Senior Professor; but the selection and purchase of books rests with the College Council.

The superintendence of the COLLEGE PRESS is with the College Council; the duty of which is to take care that all the works determined upon by the Syndicate be correctly executed. The ordinary SYNDICATE is composed of the Visitor, the Archdeacon of Calcutta, the College Council, and three persons to be nominated annually by the Visitor. Its meetings are held in the College Library, not less than four times a year; and its business is to determine what books, conducive in any way to the object for which the College is founded, shall be undertaken and printed at the College Press.

Such is an outline of the fundamental principles and constitution of Bishop's College; which, although too young to have reached as yet a state of full efficiency, has already sent forth many able native and other labourers into the wide field of India. The voice of its Missionaries is now heard in various parts of Hindusthán, from the banks of the Ganges to the southern extremity of the Malabar coast and Ceylon, publishing the glad tidings of Salvation, and inviting the captive heathen to shake off the yoke of idolatry, to embrace the Cross, and to seek refuge within the pale of our Holy Church.

It was however to be expected that, in a time when ecclesiastical authority and government are by many undervalued or totally disregarded, an institution like Bishop's College, founded on Church principles, and conducted, as far as is practicable, strictly according to the rules of Church discipline, would meet with much opposition from, and be unpopular with, persons of unsettled or disaffected mind: and such has been the case. In the early period of its existence, indeed, the outcry raised against it by some of those who had before been its avowed supporters, threatened to impede its growth and to blight its blossoms. But, through the help of God, ever mindful of His promise "to be with His Church always, even unto the end," Bishop's College has triumphed over these difficulties. And whereas, in the nature of things, establishments of this kind require centuries to take root and to bear abundant fruit, (look at our own Universities), BISHOP'S COLLEGE has already been, although still in its infancy, the means of much blessing to India; as will appear from the following list of the Catechists and Missionaries it has sent forth since its opening in 1824:—

D. JONES, priest. Now in charge of the Tallygunge mission.

J. C. THOMPSON, priest. Lately in charge of the Hindustháni chapel, Calcutta; now chaplain to the Free School.

A. GODFREY. Late catechist in the diocese of Madras.

\* There is also an endowment being formed for a Ceylon Heber Scholarship, the subscriptions for which have not yet reached the required amount. They are now accumulated (1843) to Co's. Rs. 4160. The sum fixed by the statutes as necessary to endow a Scholarship for ever, is Sa. Rs. 8,000.

A. GARSTIN, priest. Lately chaplain to the Free School; now chaplain at Chirra Poonjee.

J. BOWYER, priest. Lately in charge of the Howrah mission, and ministering to the English congregation at Howrah, absent in Europe on sick leave.

C. E. DRIBERG, priest. In charge of the Barripur mission.

T. C. SIMPSON, priest. Some time in charge of the Trichinopoly mission; subsequently conducting the Government School at Goruckpore; now assisting the Rev. W. O'B. Smith in the Howrah Mission.

A. F. CÆMMERER, deacon. In the diocese of Madras.

S. W. DIAS, priest. Singhalese colonial chaplain, Colombo.

C. D. HORST. Some time catechist in the diocese of Madras; now tutor to the Rajah of Burdwan.

S. W. GODFREY, priest. At Tanjore.

V. D. COOMBES, priest. Stationed at Combaconum, Madras diocese.

C. S. KOHLHOFF, priest. At Tinevelly.

G. Y. HEYNE, priest. At Tanjore.

J. J. CARSHORE, priest. Lately in charge of the S. P. G. Mission at Cawnpore; now assistant chaplain there.

E. J. JONES, priest. Missionary chaplain to the Right Rev. the Lord Bishop of Madras, died 1842.

W. BOLTON. Sometime catechist, S. P. G.; now in Government (secular) employ.

H. MOORE, deacon. Assisting the Rev. C. E. Driberg, at Barripur.

MOHESH CHUNDRE GHOSE, native. Some time in the service of the Church Missionary Society. Died at sea in 1837.

KRISHNA MOHANA BANERJEA, native, priest. Minister of Christ Church, Calcutta.

W. O'B. SMITH, priest. In charge of the Howrah Mission.

J. T. D. CAMLON. Second Master of La Martinière School, Calcutta.

J. J. JEREMIAH, priest. At Vepery, Madras.

BRIJONAUTH GHOSE, native. In charge of the Government School at Chyebassa, Kolchán.

JOY GOPAL DUTT, native. Schoolmaster at Krishnaghur, in service of the Church Missionary Society. Died in Bishop's College, June 1841.

C. P. WHITE. Sometime catechist at Howrah; now in Government (secular) employ.

F. W. LINDSTEDT. Sometime catechist to the Hindustháni chapel, Calcutta; ordained Deacon, Sept. 29, 1813, and appointed chaplain at Malacca.

F. W. B. DRIBERG, catechist at Barripur. Died Jan. 11, 1842.

CHUNDY CHURN ADDY, native. Catechist at Tallygunge.

DWARKINATH BANERJEA, native. Catechist at Howrah.

BANI MADHUB MOJOOMDAR, native. Catechist at Barripur.

GOPAL CHUNDER MITER, native. Natt Syndic Fellow of Bishop's College. Ordained Deacon, Sept. 29, 1813.

G. D. J. ONDAATJE, priest. Sometime Tamil Colonial Chaplain, Colombo; now S. P. G. Missionary, Calpenty, Ceylon.

C. E. P. MACLEOD, priest. In the diocese of Madras.

JUDDOO NATH GHOSE. Assistant Schoolmaster to the Rev. K. M. Banerjea; appointed August 8, 1843.

S. W. COULTRAP. Catechist. Diocese of Madras, Feb. 16, 1844.

R. T. BLAKE. Catechist at Tallygunge, appointed March 16, 1844.

To the above might be added the names of some non-foundation Students, and several others, who, after a longer or shorter period of study, were compelled by circumstances, or otherwise induced, to renounce the calling with a view to which they had entered the College.

Such results are truly encouraging, even to the most sanguine expectations. But if we follow the Missionaries into their fields of labour, we shall have still greater cause for thankfulness to God. Let us look, for instance, at the stations of Barripūr, and of Tallygunge, in the immediate neighbourhood of Calcutta. The Tallygunge station under the Rev. D. Jones, formerly Student at Bishop's College, embraces a number of villages, the Christian population of which amounts, now in 1843, to 533 baptised persons and 666 catechumens. In February 1842, the Lord Bishop of Calcutta confirmed at Jhanjera 123 candidates. This year, 1843, he has confirmed 58 more. These converts have shewn, by their steady conversation, that their faith is sincere: in some very few cases only have they gone back to their former idolatry. At Jhanjera the writer of these lines was privileged to preach to about 200 natives, who received from their Pastor the highest testimony for their uniformly Christian conduct. After the service, they were questioned upon what they had heard; and they shewed by their intelligent answers that their belief was sound. At Sojnaberrea the service is performed in a temple of Sheeva, which was purchased by the Society, and turned into a chapel for the use of the Christian natives of that place; and lately another heathen temple was also bought at Dhanghatta, a village above 16 miles S. of Barripūr, and appropriated to the same blessed purpose.

Equally interesting and promising is the extensive Mission of Barripūr, adjoining that of Tallygunge, and under the charge of the Rev. C. E. Driberg, who was educated at Bishop's College. It is divided into six circles, in the principal village of every one of which there is a chapel built of bamboos and matting, in which Divine Service is performed every Sunday, and once in the week, by the Rev. Messrs. Driberg and Moore, or by one of the catechists. It embraces fifty-nine villages, in which there are now (1843) 627 baptized persons and 606 catechumens, who, to use the words of their affectionate Pastor, "give satisfaction by the consistency of their conduct." Last year (1842) 193 candidates were confirmed by the Lord Bishop of Calcutta.

These Christians have given decided and repeated proofs of the sincerity of their conversion. When, for instance, some years ago, a dreadful hurricane swept away the village of Mograhāt, and left its inhabitants destitute, the native landowners, who were pressing them for the payment of their money, offered to remit them the whole of that year's rent if they would abjure Christianity. They preferred however, to risk utter destitution, rather than to yield; and when the native Christians of the neighbouring village of Sulkea heard this, they made among themselves a collection to the amount of sixty rupees (6L) for the relief of their persecuted brethren of Mograhāt. This village of Sulkea was the first to embrace Christianity; and its inhabitants, for the most part of the very poorest class, have always been foremost in

every good work. Lately an appeal made to them in behalf of the church to be erected at Barripur, produced a subscription of Co's. Rs. 50 (5L); and the people of Dhanghatta, some time since, subscribed Co's. Rs. 30 (3L) towards the purchase of a flagon for the service of the Holy Eucharist. The monthly collection during the offertory at Barripur, which is exclusively devoted to the relief of the poor, averages seven or eight rupees. These things, although apparently trifling, are indications that the Gospel which these poor people have received is not without fruit in their hearts. At Sulkea a widow learnt to read, in order to teach young women to read the Scriptures; and she continued in the habit of going from village to village in pursuit of her labour of love. At Barripur took place the burial of a young woman, who during the long and painful illness of which she died, shewed an uniform and steady faith. Shortly before her death she told the Rev. Mr. Driberg, after he had been reading to her a portion of Scripture, — “What you have just now read to me has composed my mind: I have neither doubt nor fear.” She then committed her child to him, requesting that it might be baptized and brought up in the Christian faith; and she expired with these words on her lips, “Lord, protect me!” About the same time died a native catechist, who, when asked on his death-bed what his hope was, answered with his dying breath,—“In my Father's house there are many mansions; I go to prepare a place for you; that where I am there ye may be also.” Such examples of faith in those interesting Christians might easily be multiplied; but this will suffice to prove, especially to any one at all acquainted with the Indian character, that the SPIRIT OF GOD is working in those parts.

A number of children receive instruction in schools, superintended by the Missionaries; of these there are three in the Barripur Mission, one at Howrah, and one at Tallygunge. A number of orphans, and destitute children, are maintained entirely at the school in each station. The number of others under instruction is but limited, having decreased since the dismissal of all *heathen* teachers; experience having shewn that these persons exerted an effectual influence against the conversion of the persons under instruction. Could, however, a sufficient number of *Christian* teachers be found, other schools might be opened. Daily demands are made, which cannot be responded to for lack of men and of funds.\*

If we consider the difficulties which must necessarily attend the first efforts and development of an institution like Bishop's COLLEGE, the anomalous state of society in India, and the condition of the natives when they emerge from the horrible gloom of heathenism and idolatry; and see to what extent God has condescended to bless the means used in BISHOP'S COLLEGE and by its missionaries for the promotion of His kingdom,—we have indeed reason to be thankful, and to trust HIM for the

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\* There are, at this present moment, opportunities of opening three schools in populous villages most advantageously situated for the extension of the present Missionary operations, but which must be neglected unless speedy and ample aid be afforded to the Calcutta Diocesan Committee, S. P. G.

future, that He will yet bless them more. Let, therefore, every friend of India, let every member of the CHURCH OF CHRIST, pray for the prosperity of Bishop's COLLEGE: for thereby will the number of those be increased, who after having been trained in the wholesome discipline of that collegiate establishment, will go forth IN THE NAME OF GOD, to turn the wicked from the error of their ways, and to train up the rising generation of India in the doctrine, and fellowship, of our Apostolic Church.

But the wants of Bishop's College increase in proportion as its influence extends over a wider range of country. Catechists and Missionaries multiply with the new stations to which they are appointed, and in which they must be supported; so that there is reason to fear that the time is not distant when even the munificence of the Society for the Propagation of the Gospel will not be found sufficient to meet the necessary demands of the College and its dependencies. Let then those who have AT HEART the promoting of CHRIST'S KINGDOM come to its aid.

Assistance, indeed, is even now solicited, in behalf of the missions of Tallygunge and of Barripur. New chapels must now be erected instead of those which have been injured or destroyed by the effects of the climate or by hurricanes. At Sojnarberia and at Dhanghatta, the temples of Sheeva, turned into chapels, only require repair. But at Jhanjera, and in several stations of the Barripur Circle, substantial chapels of brick must be erected, in the place of the temporary sheds in which the Christian congregations of those villages have until lately met for public worship.

A considerable number of converts, however, inhabit distant villages on the outskirts of the Barripur circuit, in which neither Catechists nor Missionaries have yet been stationed, owing either to the unhealthiness of the situations, or to want of funds; and as these converts have to resort every Sunday to Barripur (a distance of sixteen or twenty miles) to attend the services, it is now become necessary to build a Church in this place. Hitherto, an old dilapidated house, in which not half the congregation could be accommodated, has been the place where the sacred ordinances of our Church have been celebrated and the daily service performed, amidst a meanness and squalidness in miserable contrast with the beauty and holiness of the Church ministrations. The congregation which assembles every Sunday at Barripur averages from two to three hundred; the monthly communicants, upwards of one hundred. At the feasts of the Nativity, of Easter, and of Pentecost, the concourse is still larger,—all the female converts making it a point to attend at least on the two former, as the great distances these poor people have to travel make it impossible for the women to repair thither much oftener.

It is therefore proposed to build a church at Barripur, 80 feet long, and 42 feet wide, interior measurement; consisting of a nave and two aisles, the width of each of the latter being 11 feet, and that of the nave 20 feet. And in order to secure free access of light and circulation of air, a clerestory will rise above the arches of the nave: the height of the roof of the clerestory from the pavement will be 35 feet, interior measurement; there will also be a tower of the height of 60 feet.

The estimate for this building is upwards of Co's. Rs. 14,000 (1,400*l.*). It cannot be less, owing, among other causes, to the expense of conveying all the materials from Calcutta, a distance of sixteen miles.

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The whole design is of the simplest kind, respect being had chiefly to durability, and ornament being admitted only so far as to give to the edifice an ecclesiastical character externally and internally. As to the style of architecture, it will be as near an approach to Gothic as the climate and the limited means available on such occasions have hitherto allowed in India.

And the funds for erection of this have been obtained : the Venerable Society in England having granted no less a sum than 10,000 Co's. Rs.; the Lord Bishop of Calcutta giving 1,000, and the Calcutta Church Building Fund 1,000, and the balance having been raised by subscriptions and donations. But money to a considerable amount is wanted for providing other Mission Houses, and a School House adjoining this Church; for the completion of the Church at Jhanjera, and of the Chapels at Mograhât and Sulkea; so that, unless aid be afforded, either these works must stop, or the Missions will inevitably be involved in difficulties.

It is therefore earnestly hoped that this appeal to those who wish for the advancement of the CHURCH OF CHRIST will not be in vain, and that some will come forward to assist in this cause. It is true the wants of the Church are great at home : therefore let all at home "NOT SPARE;" let them "LENGTHEN HER CORDS" and "STRENGTHEN HER STAKES" *at home*; whilst we shew, by our willingness to help, that we count it a *privilege* to be allowed to "STRETCH FORTH THE CURTAINS OF HER HABITATIONS" *abroad* also. India yields in abundance the riches of her soil to her Christian lords: it is due to her that in return she should receive abundantly from them the free blessings of eternal knowledge, and not be stinted to a scanty portion of the bread of life, given with a sparing hand.

To all, who enjoy fully the light of Gospel truth and the blessing of Church ordinances, their LORD AND MASTER says, Ye have "freely received," therefore "freely give." For unless we ourselves co-operate in *deed* to our utmost in promoting the prosperity of the CHURCH OF GOD, it is in vain that in *words we say*, "THY KINGDOM COME!"

*The above is a reprint of a Pamphlet entitled "Bishop's College and its Missions," by the Rev. S. C. Malan, late Senior Professor of the College, with a few verbal alterations and additional particulars. It is to be observed also, that no mention is made of the Missions of Cawnpore and Tamlook, also dependent on Bishop's College, because they are not at present served by ministers educated within its walls. The rising Mission at Howrah is also omitted.*

*Bishop's College, October 14, 1843.*

A. W. STREET,  
Secy. C. D. C. S. P. G.

The following additional particulars are given for reference, and as affording information not generally possessed, as is believed, in these Dioceses concerning the foregoing Institution.

*Extracts from the Statutes of Bishop's College, relative to the Admission and Education of Students on the Foundation.*

*Studies.*

STAT. IX. Theology with the Hebrew, Greek, and Latin Languages, as subsidiary to it; History, both ancient and modern, ecclesiastical and civil; the Elements of Philosophical and Mathematical Knowledge and divers Oriental Languages, together with the English Language to be taught to all the Native Students; shall be the studies prosecuted within the College under the tuition and direction of the Professors, according to such plan as shall be approved by the Incorporated Society.

*Students.*

STAT. XIV. The Students, whether on the Foundation or not, shall be Christian Youths who have been well grounded and instructed in the principles of the United Church of England and Ireland. Students may be either of European, or of mixed, or wholly Native race, in such proportion, and under such regulations, as may hereafter be determined by the Incorporated Society, with a preference, where other qualifications are equal, to the sons of Missionaries or School-masters, who have been employed in the work of promoting Christianity in India, and the sons of Chaplains of the East India Company.

STAT. XV. The ordinary age of admission at the College shall be fourteen, and the residence of the Students in College shall be closed at the completion of their nineteenth year. Exceptions to be allowed in both cases, under special circumstances, at the discretion of the Visitor.

STAT. XVI. Students may be admitted at any Monthly Meeting of the College Council after examination and approval, with the recommendation of their respective Archdeacons; the prescribed documents hereinafter mentioned, having been transmitted to the Secretary, and laid before the College Council, and found to be correct and sufficient. Reference, in case of dissatisfaction or doubt, to be made to the Visitor.

*Documents.*

STAT. XVII. Required at the admission of Candidates :—

1. A Certificate of the Age of the Candidate, and of his Baptism.
2. A Medical Certificate, that the Candidate is of a healthy constitution, and free from disease and infirmity of body, and has had the small pox, or been vaccinated.
3. A Statement, signed by two respectable persons, to whom the Candidate is well known, but who are not related to him —

That *A. B.* being the son of *C. D.* now or formerly of \_\_\_\_\_ is desirous of being well grounded and instructed in the principles of the United Church of England and Ireland, and that they believe him of a docile temper, and of virtuous and pious dispositions, and possessed of good abilities and talents; and that [if he be mixed or wholly Native race] is his native tongue.

4. A Declaration on the part of his father or nearest relative, or person being the guardian, or otherwise having the charge of the Candidate, to the following effect:—

“I, *C. D.* being the \_\_\_\_\_ of *A. B.* [an European, Country-  
“born, or native Youth] to be nominated to a Theological Scholarship  
“[or Non-Foundation Studentship] in Bishop's College, near Calcutta,  
“do sincerely and solemnly declare, that the said *A. B.* aged  
“years and \_\_\_\_\_ months, is of a docile and virtuous disposi-  
“tion, and that I have no other design or object in accepting, for the  
“said *A. B.*, the said nomination, than that he may be maintained and  
“educated in the College aforesaid, with a view to his being prepared  
“and qualified, with the Divine blessing, to assist in the advancement  
“of Christ's Holy Religion, as a Missionary, or Preacher of the Gos-  
“pel to the Natives of the Continent or Islands of Asia, [or in the  
“communication of Christian or other knowledge, as a School-master,]  
“at any station or place to which he may be in due time appointed,  
“according to the principles and discipline of the United Church of  
“England and Ireland; and likewise that I have explained to the said  
“*A. B.* the nature of his future calling, and have diligently questioned  
“and examined him thereupon, and find it to be the object of his  
“choice; in which choice it is, by God's help, my fixed and serious  
“purpose, by all honest means in my power, to assist, confirm, and  
“countenance him. If, notwithstanding, from any cause not now  
“foreseen, he should so swerve from that choice as to make his with-  
“drawal from the College desirable, I shall then hold myself bound,  
“in consequence, to refund, as far as I am able, the whole of the sums  
“which had been expended, on the faith of this declaration, on his  
“education thus abandoned.”

Declaration to be annexed, signed by the Candidate:—

“I, *A. B.* having carefully read and considered the above Declara-  
“tion, do hereby give my free and entire consent to the engagement  
“here entered into on my behalf.”

5. A particular statement of the Candidate's progress in learning made subsequently to an Examination by the party presenting or some competent person appointed to act on his behalf.

Conditions on which General or Lay Students are admitted.  
[As determined at a Conference holden between the Lord  
• Bishop of Calcutta and the College Council on the 8th  
January, 1830.]

1. The Non-Foundation or General Students shall be placed in all respects on the same footing with those on the Foundation, except that they are not required to make upon admission the declaration under

APP. (E.)

Section 4 of the Statute XVII; and they may be required to wear the Academical dress prescribed for the Foundation Students.

2. They shall be required to pay each for diet, room-rent, and tuition, monthly in advance, Sixty-four Sicca Rupees.\* To each Non-Foundation Student will be assigned a separate portion of an apartment, to be furnished at his discretion; the Furniture, as well as his Books and Wearing Apparel, &c. to be supplied at his own cost.

(Signed)

J. M. CALCUTTA.

W. H. MILL, *Principal.*

F. HOLMES, *Senior Professor.*

G. U. WITHERS, *Junior Professor.*

\* The monthly payment at first fixed at 100 Sicca Rupees was reduced to 64 Sicca Rupees by the College Council on the 30th January, 1832; with a view to extend yet further the benefits of Education in Bishop's College.

## A P P E N D I X. (F.)

APP. (F.)

(The following Suggestions are added by the Author of this Work at the express desire of the Right Reverend Damel, Lord Bishop of Calcutta, and Metropolitan in India; who, he is instructed to add, revises and alters them as new circumstances arise.

### *Suggestions for the assistance of the Reverend Chaplains in the Diocese of Calcutta in the discharge of their Spiritual Duties, to be placed in the Record Book of each Station.*

#### *Introductory Remarks.*

1. The reason of the Bishop's drawing up the following Remarks is, that during the course of his Visitations, he has found the Reverend Chaplains distressed with a variety of doubts as to the details of their duties. These he has noted down from time to time, and now endeavors to lessen by the following suggestions, which are not intended to describe all a Chaplain's duties, but merely such matters in them as have been found in practice attended with difficulties.
2. These suggestions will be altered from time to time as fresh points arise; and the Bishop will receive with pleasure any information which the experience of the Chaplains may furnish. The Bishop's successors will gradually supply what is wanting, and correct what is erroneous in them.
3. The Chaplains are requested to read over these Rules with care twice in each year.

#### *General Rules.*

4. The Reverend the Clergy in the Diocese of Calcutta, as in every other, are placed under the spiritual superintendence and jurisdiction of the Bishop, who is directed by his Letters Patent to administer the Ecclesiastical laws, as they are received in the Realm of England.
5. The Rubric and Canons of the United Church of England and Ireland have the same force over the Clergy in India as they have in England. The Ecclesiastical Laws, also, as well as the Statute Laws relating to spiritual persons, (except where limited as in the various Marriage Acts,) are equally binding. Nor has a Bishop any power to release the Clergy from any part of that obligation. The Clergy have only, therefore, to consult these authoritative rules in order to learn generally their duties.
6. The Bishop's suggestions are of course only valid as they are found not to be inconsistent with the Canons and Rubrics.
7. Where any of the practical details of the Rubrics or Canons have been modified on subordinate points by long practice and usage at home, and allowed and approved as such by the Bishops there and the Bishops in India, such usages are not to be altered without the Bishop's approbation. And where at last points of doubt arise, the

Bishop's opinion must be taken and followed till the decision of the proper authorities at home can be received.

8. His Grace the Archbishop of Canterbury's advice in his charge of September 1840, the Bishop wishes to be implicitly followed in this Diocese : " In the celebration of Divine Service, the introduction of novelties, and even the revival of usages, which, having grown obsolete, have the appearance of novelties to the ignorant, may occasion dissatisfaction, dissension and controversy. In cases of this nature it may be better to forego even advantageous changes, than to open fresh sources of misapprehension or strife by singularity." Page 36.

#### *Suggestions on Arrival.*

9. Every Chaplain is to report his arrival to the Secretary to Government in the General Department, and to the Civil Auditor, as well as to the Chief Ecclesiastical Authority at the Presidency, mentioning the date of the ship's leaving Gravesend, and of his taking the Pilot on board at the Sand Heads.

10. The Archdeacon or Commissary having received his name, his academical degree if any, his letters of orders, his nomination or appointment, and such other testimonials as he may have brought with him, will then appoint a day for the Chaplain to attend to make the usual subscriptions, and take the necessary oaths previous to his being licenced.

11. If the Bishop be absent on Visitation, the Chaplain will report also his arrival to him by letter ; as well as the time of his leaving Calcutta, if appointed to a Mcfussil Station.

12. Each Clergyman preaches once at the Cathedral after his licence, and before he proceeds to the discharge of his regular duties ; and on his removal to another Station, the Bishop's consent in writing under the licence is necessary.

13. Each Chaplain, on application, through the Venerable Archdeacon, to the Secretary to Government, will receive a copy of the Government Rules regarding leave of absence, sick leave, furlough, &c., and also information as respects the different orders which have been issued from time to time by the Governor General, regarding the Reverend Chaplains.

#### *Suggestions on first joining his Station.*

14. When a Chaplain joins the Station to which he is duly appointed and licenced, he must report his arrival to the Civil Auditor of the Presidency, to the Archdeacon, and to the Chief Military Authority resident at the Station itself.

15. The Bishop's (or Commissary's) licence is to be read by the Chaplain together with the 39 Articles, and the declaration of conformity to the Liturgy of the Church of England, immediately after the 2d lesson in the Morning or Evening Service, within the first month of his entering on his duties at the station to which he is first appointed ; and the date entered in the Record Book. If illness prevent his doing this within the first month, then he will do it, so soon as he is able.

16. All correspondence of every kind, between the Rev. Chaplain and the Government, is to be carried on through the Ecclesiastical authorities. No attempt to apply for a change of Station, direct through the Government or Civil or Military authorities, is regular :

the Bishop or Archdeacon is the only proper channel. If on any emergency a Chaplain receives any communication from Government direct, he will be pleased immediately to communicate to the Bishop.

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17. Each Chaplain will acquire, as early as possible after his arrival, some knowledge of the Vernacular language of the Station where he is appointed, in order that he may instruct the Drummers, Fifers, and their families, who are imperfectly acquainted with English, and also assist the Rev. Missionary Presbyters and their flocks, as occasions arise.

### *Record Book.*

18. A Record Book is to be kept by the Chaplain in each Station for entering Ecclesiastical Notices, Proceedings and Correspondence, and also for a record of spiritual duties performed on Sundays and other days of solemn observance.

19. The duties recorded will include those of Morning and Evening Service on Sundays and other times, in his Station and Out-stations; the average number of Congregation; the number of Communicants, and of Children catechized; also the visits to Hospitals and Schools, and prisons if there be any; according to the form given at the end of these Suggestions.

20. The Bishop has already entered in the Record Book of many stations some of the present Suggestions, and will continue on each Visitation to add any particular ones applicable to individual places, and also the chief proceedings of the Visitation itself.

21. The Chaplain will enter, in the Record Book, the date of the building and consecration of the Church and Cemetery, and also a list of the Church Plate, Church Books, and Vestments, &c., which belong to the station.

22. An abstract of the entries in the two departments of Correspondence and Register of Spiritual duties is to be sent quarterly to the Bishop's Chaplain under cover to the Bishop, when the Chaplain is requested to add such general remarks as may occur to him on the moral and spiritual state of his flock, and to ask such advice as he may find needful—the Bishop being desirous to cultivate such confidential correspondence as much as possible.

23. A Book should further be opened in each Station for keeping accounts of Sacramental and other Collections, and the distribution of them; and a separate account kept of the expenditure of the Government Allowance.

24. The Bishop begs particular attention to be paid to the sending regularly the extracts of the Entries in the Record Book according to the above directions; as some of the Rev. Chaplains have been unpunctual in this respect.

### *Divine Service.*

25. Every Chaplain is to perform Divine Service every Sunday Morning to the Europeans, Civil and Military, residing in his Station; when the Morning Prayer is to be read as at home, and a Sermon to be preached. The Evening Prayer also is to be constantly read, and a Sermon preached except when a Catechetical Lecture is substituted. The Holy Communion should be administered at least monthly.

26. The Commanding Officer, in concurrence with the Chaplain, fixes the time for performing Divine Service on the Mornings in Military Stations, with reference to the health of the Troops.\*

27. Observations having been sometimes made for or against the length of the Chaplain's Sermons, the Bishop remarks that he considers thirty minutes as a medium length.

28. The Bishop recommends the Clergy to study thoroughly the Books of Homilies, and to read one or more of them in place of a Sermon of their own composition, once a Quarter.

29. If, from indisposition or other causes, Divine Service should not be performed by the Chaplain at the appointed time, a letter is to be addressed to the Archdeacon, stating the cause of the omission.

30. The Bishop need scarcely remind the Rev. Chaplains, that no one is allowed to officiate in the Churches or places ordinarily used for Divine Service, except those who are duly ordained in the Episcopal Reformed Church of England and Ireland, and are acting under the Bishop's Licence.

31. The Bishop has no power to allow of any alteration or omission of any part of the Liturgical Services as used at home. The only exception arising from necessity which the Bishop found prevailing in the Diocese when he arrived in 1832, and which he has not thought it right expressly to prohibit, is the reading of the Morning Prayer alternately with the Litany and Communion Service, during the Hot-season, in the Military Stations, when the health of the Troops requires it. This deviation, however, can only be excused when created by a real necessity.

32. The alteration of the State-terms in the Prayer for the Parliament to adapt it to British India, has been submitted to the Archbishop, and formal sanction will be legally obtained, if such should be judged necessary; but the Bishop conceives it to be within the limits of his functions in his own Diocese.

33. Notices of Collection-Sermons should mark distinctly the institutions for which they are to be made, so that no doubt may rest on the minds of the Congregation; and if they are not for local objects, they should be such as the Bishop approves.

34. The Alms collected at the Holy Communion are to be distributed by the Revd. Chaplains to the Christian Poor amongst the Communicants, or Congregation; and if there be none such, then to some charitable Christian object. "Pious and charitable uses" is the expression of the Rubric. The Bishop would point out, "The Calcutta Additional Clergy Society" as an object of peculiar interest in India. Secretary, Revd. H. S. Fisher.

35. The Singing Psalms are not to be chosen by the Clerk or Singing Master, but by the Rev. Chaplains. The Bishop has no power to authorize the introduction of Hymns, excepting those authorized and given in the Common Prayer Book, though the practice has, he is well aware, long prevailed at home and in India. They should never be used, however, to the exclusion of the Old and New Versions. The Bishop is unfavorable to beginning Morning Prayer by singing a Psalm or Hymn, because, in addition to its not being authorized by the Rubric, it lengthens the service without absolute necessity.

36. The Bishop is endeavouring to obtain a Church Psalm Book somewhat on the plan of the collections which he found in use at the

\* See Government Regulations, February 26, 1834.

Cathedral and the Fort Church in 1832; of a moderate size, and including portions of the Old and the New Versions, and also suitable Hymns, all arranged for the several Sundays and Festivals of our Church, so as gradually to promote an uniformity in the Diocese in this respect.

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37. The Native Church Servants are not to be idling about during Divine Service, but to assist the Clerk in preserving quietness and order, in preventing the entrance of dogs, in shutting and opening gently doors and windows, as directed; in shewing the Congregation to their seats, and in keeping the servants outside the Church from talking and making a noise, &c. &c.

38. The Bishop is favourable to a light Pew-Rent being cautiously introduced in the Non-Military Churches and parts of Churches as in Calcutta, and other Stations. The proceeds to be applied by the Chaplains to Ecclesiastical purposes.

### *Administration of the Sacrament of Baptism.*

39. The Sacrament of Baptism is not to be administered in Private Houses, or in any other place than that which is ordinarily used for Divine Service. This, however, is not to be considered as authorizing the Clergyman to decline attending at any time or place to administer Private Baptism to such Infants as may be in a precarious state of health.

40. Baptisms are to be performed after the second lesson, according to the Rubric; or if this cannot be done with reference to the heat of the weather and the presence of Troops, then the Baptisms should be celebrated immediately after Service, Morning or Evening, and notice given, so that as many as possible of the Congregation may remain, and join in its solemn celebration. The Evening Service generally admits easily of the celebration after the second lesson.

41. If Parents were exhorted, as the Rubric directs, not to defer the Baptism of their Children longer than "the first or second Sunday next after their birth," and if one Sunday in every four weeks or oftener, as circumstances might require, were a time fixed and known for administering Baptisms after the second lesson of Evening Service, the greatest benefit would accrue. The Chaplain on that Sunday might contract his sermon from thirty minutes to fifteen. This is proposed for the consideration of the Clergy, and is to be acted upon gradually as circumstances allow. The public administration of Baptism before the Congregation is of great importance with reference to the solemn prayers for the persons to be baptized, in which they join in common with the Parents and Sponsors, as well as for the reasons noticed in the Rubric.

42. As to Sponsors, the circumstances of small stations often render the observation of the 29th Canon impracticable, however desirable the rule laid down there as to their being Communicants, is. The Chaplain must then be content to come as nearly to the rule as may be, referring particular cases to the Bishop.

43. As to the time of Churching of Women, though it is usually and most properly performed immediately before the General Thanksgiving, yet as the Rubric does not direct this, the Chaplain will consult the feelings of the party concerned as to the time of performing it.

44. In the case of the Baptisms of Adults being applied for, whether European or Native, the Bishop is first to be consulted, agreeably to the Rubric; and, where a Military person of a Native Regiment is concerned, the Commanding Officer also should be respectfully informed. This observation extends to the Christian Missions in and near our Stations.

### *Celebration of Marriage.*

45. The Old Ecclesiastical Law of Christian Europe governs the Marriages of British Subjects in India, except as express Statutes interfere, (as in the case of the Members of the Scotch Church, and Soldiers in Cantonments where there is no Chaplain.) This Ecclesiastical Law requires that Marriage be celebrated by a person in Holy Orders in the sense of the English Law, and also in the face of the Church.

46. Clergymen are to direct parties about to be married to attend at the Church or place allotted for Divine Service, at a certain time within canonical hours convenient to the parties.

47. Difficulties having occasionally arisen about observing the canonical hours of Western Europe in the heat of such a climate as India, the Bishop observes, that he found in 1832, the usage prevailing at Calcutta of celebrating Marriages an hour before sunset, and that he has not yet absolutely forbidden it. The Bishop only observes that the canonical hours must be strictly observed, except in what may be considered real cases of necessity, as he has no dispensing power.

48. These hours apply however only to Marriages by Licences; Marriages by Banns are not so restricted; but are to be celebrated with reference to the convenience of the Chaplain and parties concerned.

49. In all cases in which a Licence is not obtained, the publication of Banns must be considered as indispensably necessary. The prohibition of a Clergyman of the Church of England from marrying without either Banns or Licence does not depend upon the English Marriage Acts, which do not extend to India, but upon the 62nd Canon of the Church.

50. If one or both of the parties reside at a distance from any station, the Banns are to be published in the nearest Chaplain's station.

51. Parties residing at a distance from a Chaplain's station must come in to the station for marriage. They cannot claim the Chaplain's attendance at a distance from his station.

52. The permission to marry granted by Commanding Officers to Privates under their command, as connected with Military discipline, is to be required, as heretofore in such cases, previous to the publication of Banns; but such permission does not supersede the necessity of publishing Banns, nor justify the Chaplain in performing the marriage ceremony without such publication, in any case where a Licence is not obtained.

53. The publication of Banns is to be regularly entered in a Register kept for that purpose, in the following form: "The Banns of Marriage between A. and B. were published for the 1st, 2d, or 3rd time in this Church, (or at this Station,) on Sunday the —— day of —— in the year of our Lord.

54. In the case of any Banns or Licence being opposed or forbidden, the Chaplain should apply to the Bishop or Archdeacon, (who will

consult the Registrar if necessary,) and not proceed till all doubts of illegality are removed.

55. Surrogates in issuing Licences are to be very particular in seeing that the parties applying take all the regular oaths in the strictest manner, according to the forms of the affidavits. The least departure from these forms exposes a Clergyman to prosecution.

56. The Bishop having been often applied to on questions connected with Divorce, begs to observe, that he knows of no way in which British subjects can obtain a Divorce, except by an Act of the Imperial Parliament, grounded on a sentence of the Ecclesiastical Courts.

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### *Funerals.*

57. The solemn verdict of a Coroner's Jury is generally held to be a sufficient protection for the Chaplain, both as it regards the Rubric prefixed to the Burial Service, and with respect to the conscience, in cases where a violent death is said to have occurred. The expression "Having laid violent hands upon themselves," is held to mean, "Knowingly and in possession of their reason," a point which the Clergyman must leave to competent judges, that is, to a Jury acting on their oath, to determine.

58. Dr. Burn in his Ecclesiastical Law considers "idiots, lunatics or persons otherwise of unsound mind," as not coming within the design of the Rubric. It may be doubted, however, whether the modern verdict of "Temporary Mental Derangement," falls within Burn's limits or the intention of the Rubric. The Verdict, to meet the case, shoul<sup>d</sup> be simply and without qualification, "Idioty," "Lunacy," "Of unsound mind." But this being a question of Law the Bishop speaks with hesitation.

59. Military Inquests not on oath are of quite a different nature from Coroner's Juries regularly empanelled and acting upon oath under an experienced Coroner, and should be desired to make a more full and distinct return than they often do in order to satisfy the Rubric, and the conscience of the Chaplain.

60. It is a part of the duty of a Clergyman to point out in his ordinary doctrine, (not at moments when the observation might excite anger or appear personal,) and to state that the ordinary privileges of the Church, and amongst them Christian Burial, are then only with the strictest propriety applied, when there is a credible profession of penitence, faith, and obedience on the part of those who are partakers of them; and that temporary derangement arising from Infidelity, disappointed pride, or other vices, is no exemption from responsibility in the sight of Almighty God.

61. Funerals are to be appointed at sun-rise and sun-set, and the Clergyman is to attend at the latter time, sun-set, if he receive notice of a funeral before 3 o'clock of the same afternoon; but if the notice arrives after that hour, the interment is to take place on the following morning. Cases, however, may occur, which may require a deviation from the general rule.

62. The Burial Service is not to be performed by any other than the Rev. Chaplain. If, however, he be unable to attend by sickness or temporary absence upon duty at his Out-stations, he may authorize any respectable Member of the Church to read the Burial Service of the Church; and he will state the same in the Register.

63. Burial Grounds, which are consecrated, belong exclusively to the use of the Rev. Chaplain, nor can any but the Chaplain perform service therein. The Chaplain must inter any Corpse of which he has due notice, and which is brought to the ground in proper time, except when the party died excommunicated, or unbaptized, or had laid violent hands on himself.—See above Rule 57—60.

64. It has been ruled that persons are entitled to Christian burial, if the essential parts of the Sacrament of Baptism have been performed, that is, The solemn washing or affusion with water. And in the name of the Father and the Son and the Holy Ghost. The clear Legal Decisions on the subject undoubtedly require the Chaplain now, as a Minister of the Church, thus to act, though they by no means touch the question, as to the spiritual validity or otherwise of the Baptism in itself. If the Baptism has not been performed in both its essential parts, then the person is considered unbaptized in Law, as well as in a spiritual sense.

### *Fees.*

65. On the subject of Fees, the Clergy need not be reminded that the Sacraments are at all times free in India as at home. Baptism and the Lord's Supper are without fee or reward. The small payment for the Registry of Baptism, is for the Registry only. As to these and all other occasional duties, it may be proper to repeat a notification given many years since by the first Prelate of this See, Bishop Middleton, “That the Government does not admit the right of any of the Honorable Company's Chaplains on the Establishment stationed in the Interior, to demand any fee whatever from persons in His Majesty's or the Honorable Company's Service, belonging to the station to which they are attached, on account of the several Services, connected with their sacred office. For the performance of such functions, the Government consider the Clergy in the Honorable Company's Service to be distinctly remunerated by the fixed salaries annexed to their situation.” This remark obviously extends in principle to all classes of the Christian Inhabitants of the Interior Districts.

### *Hospitals and Schools.*

66. The Chaplain at a Military station is to visit regularly, at least twice in each week, the European Hospitals. And at one of those times perform Divine Service. The Jails also should be visited regularly where there are European Prisoners.

67. Besides those official visits, the Chaplain is constantly to visit individual cases without waiting to be sent for; he is to seek out sick Europeans in Hospitals, Prisons, or elsewhere, in order to instruct them, and pray for and with them, and assist and console them in their last moments. The Canon 67 directs, that “when any person is dangerously sick, the Minister shall resort unto him or her (if the disease be not known or probably suspected to be infectious) to instruct and comfort them in their distress according to the order of the Communion Book if he be no Preacher; or if he be a Preacher, then as he shall think most needful and convenient.”—The expression “resort unto” implies a voluntary action.

68. He is also carefully to superintend and inspect the European Regimental and other Schools, visiting them for this purpose not less than once a week, and to represent at once any matter concerning their management which may require his notice, to the Commanding Officer.

69. He is further to report to the Commanding Officer on the 1st January and the 1st of July in each year, and oftener if necessary, the state of the European Regimental Schools, the qualification and conduct of the Master, and the proficiency of the Scholars.\*

### *Soldiers' Chapels.*

70. The design of Soldiers' Chapels in the distant parts of some large and extensive Cantonment remote from the station Churches, is to provide means of privacy and retirement for the personal and separate private prayers of Soldiers, where they have no means of such retirement in their Barracks.

71. These Chapels are under the exclusive authority of the Chaplain; for the purpose also, when he has health and leisure from other duties of reading prayers and delivering instructions or lectures from time to time—and the oftener he can do this, the better.

72. They are never to be used for any Divine Services or Prayers by lay, irregular, or unordained persons.

### *Out-Stations.*

73. The Honorable Company having authorized the payment of travelling expenses for visiting Out-stations, the Rev. Chaplains will make those visits as directed by the Bishop, and register the duties in their Station Record Books, and include them in their Quarterly Returns to the Bishop.

74. They will also suggest such alterations in the stations and number and length of visits to them as may seem to them expedient. Where there are two Chaplains, they will visit the Out-stations alternately.

75. Applications to Chaplains to leave their Station or Out-station for performing individual duties at a distance, may be complied with or not at the Chaplain's discretion; provided always, that he can return in time for the usual Sunday duties on the Lord's Day, or other solemn seasons, and that there are no pressing duties at the Station or Out-station to require his presence. See No. 51.

### *Churches.*

76. The Station Churches, and the property belonging to them with the Church Compound and Burial Grounds attached, are the property of Government, and are held by them for the exclusive use of the Bishop and Chaplains, for the worship of the United Church of England and Ireland, agreeable to the promise and engagement made to the Bishop before Consecration, and on the footing of which the Bishop proceeded to that solemn celebration. They are under the authority of the Chaplains subject to the Bishop's direction; and the Chaplains are to report to the Archdeacon as to the necessary repairs when wanted, or any alterations or proceedings requisite.

\* For Nos 66, 68, 69, 1, 3, 4, see the Government Regulations, Feb. 26, 1834.

77. No Monument or Tablet, or any other fixture is to be admitted in any of the Churches or Places of Worship without a Licence or Faculty from the Bishop or Commissary. A copy of the design and of the proposed dimensions, together with the Inscription, shall be first submitted to the Archdeacon, and if not inappropriate, or improper, (all figures introduced should be, if possible, in the attitude of prayer,) a Faculty will be granted. No Monument or Tablet shall be displaced or removed without special licence or authority from the Bishop or Commissary.

78. The tombs and monuments are not to be of an inconvenient size with reference to the extent of the Burial Ground.

### *Fasts and Festivals.*

79. All practicable attention is to be paid to the seasons set apart for Fasts and Festivals, and other solemnities of the Church; and particularly to the Holy Week, commonly called Passion Week, and the Ember Seasons.

80. The Chaplain will also endeavour to promote Family Prayer amongst his flock; and encourage them to consider one day at least in each week, the Friday (besides Ash Wednesday and the seasons of Ember Weeks,) as a time for humiliation and abstinence, and prayer: and where practicable, he will read Divine Service in the Church, Morning or Evening. This should be done especially on the Friday before the administration of the Holy Sacrament, and a preparatory Sermon delivered. The devout use of the Litany also in Family Prayers on Wednesdays or Fridays, or both, is to be recommended.

81. Chaplains also will be very regular in using the Prayer appointed for the Ember Days in their seasons.

82. Doubts having arisen as to the Ecclesiastical propriety in the case of the Rev. Clergy, of what are very loosely termed, amusements: the Bishop would refer them to the strong language of the Holy Scriptures and of the Ordination Service, and to the spirit and import of the Canons, especially the 75th, for the authoritative rules by which they should be governed.

83. If the Bishop's opinion is further asked, he considers that all vain and noisy assemblages in which the worldly and carnal mind delights, such as theatres, race-grounds, balls, assemblies, and other crowded scenes where dances, games of chance, cards and gambling are allowed, are not only highly inexpedient, but absolutely inconsistent with a Clergyman's obligations, and destructive of his influence as the example to his flock of spirituality of mind and abstraction from the spirit of the world,—and most especially in this Heathen and Mahomedan country. And they are in truth in direct contradiction to his Baptismal Vow of renouncing "the pomps and vanity of this wicked world."

84. Questions having been raised in one part of the Bishop's Metropolitical Visitation of 1843, whether a Clergyman can lawfully and ecclesiastically engage in trade or merchandize by himself or others, or become a planter or a partner with planters of sugar, coffee, who buy and sell for gain, the Bishop would beg to observe, that he considers all such employments as in direct contradiction to the obligations of the Ordination Service and Canons of the Church.

85. Should a Chaplain meet with any hindrance in the discharge of his duty; should the European Officers and Troops not attend

Divine Service, or should shops be opened on the Lord's Day, he is to make the same known (according as the case may be of a Civil or Military nature,) to the Commanding Officer or Senior Civil Servant or Magistrate, in writing, and request his interference to prevent, if possible, such irregularity ; and, in the event of such complaints not being duly noticed by the Commanding Officer or Senior Civil Servant or Magistrate, he is to forward a copy of his complaints to the Archdeacon, that further measures may be taken.

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*Registers.*

86. The Chaplain is to enter carefully all the Marriages, Baptisms and Burials of Soldiers and their Children in the Regimental Register Book of the respective European Corps, as well as in the usual Register kept by the station Chaplain.

87. All Marriage Certificates of Europeans, being Soldiers or persons employed in the Military Department under the rank of commissioned Officers, shall specify distinctly the birth of the female, whether European, Indo-British, or Native.

88. Copies of the Station Register of Marriages, Baptisms, and Burials examined, attested, and signed by the Chaplain or Minister, must be transmitted quarterly, as now, to the Registrar ; viz. from the 1st of January, 1st of April, 1st July, and 1st of October in each year.

89. All entries in the Register of Baptisms, Marriages, and Funerals are to be made by the officiating Minister in his own hand, and on the day when the office is performed. And it is suggested to him, that if the copy :.ects for the Register's office are kept at hand in each Register Book, and filled up also at the time, facility and accuracy would be promoted, and much time and trouble saved.

90. Chaplains at Military Stations where any European Corps are stationed are directed to attend to the Regulations respecting the Regimental Registers to be forwarded by the Military Authorities to the Chaplain General in England.

91. The form of Registries to be observed from the date of 1st January 1842, as transmitted by the Honorable Court, approved by the Bishop, and since published and directed to be observed by the Supreme Government, have been forwarded to all the Chaplains, and must be accurately followed.

92. Very particular attention is requested to these forms, as well as to the above rules, as the Honorable Court have often complained, and lately more strongly than before, of a want of regularity in the Registries.

93. On the arrival of every Clergyman at his Station, he will be so good as to ascertain up to what period the returns of the Registers have been made, and if any broken period remains of the last quarter, immediately make the return to the Register accordingly.

94. It is the Bishop's duty to add, that any irregularity or omission respecting the Registers or the attested copies or returns of them is notified by the Register to the Bishop or Commissary, who in consideration of the heavy injuries and inconvenience which may arise, is required to visit the offence with such censures as the Laws have authorized ; and which in this Diocese would probably in an extreme case lead to a suspension of the salary of the Ministers knowingly offending.

*Chaplain's Absence or Removal.*

95. No applications for change of Station are to be made without grave and important reasons, and then direct through the Bishop or Archdeacon to Government, and not by private correspondence with other Chaplains or Civil and Military Officers. Such irregular correspondence, if known, will at once put a bar to the desired change See above, Sec. No. 16.

96. As far as is practicable, each Chaplain will have an equal share of easy and more laborious stations.

97. When a Chaplain purposes to quit his principal Station for the purpose of visiting any of his appointed smaller Stations, or for other temporary occasions, he must give timely notice to the Chief Military Resident Authority, in order that if there be any cogent reasons against the absence of the Chaplain, they may be submitted to the proper authorities.

98. A Chaplain appointed to officiate at a particular Station, or in any District in Calcutta, shall not, during his absence, indirectly take upon himself the duties belonging to a different Station or District, while the Chaplain of it is on the spot and is capable of performing such duties himself, unless his consent be previously obtained.

99. In the case of the Chaplain or Clergyman of the Station being absent or ill, or the Station being otherwise left, any Missionary of the Propagation or Church Missionary Society, or other regularly ordained Minister whose services are available, should be requested to perform such Divine Offices as may consist with his own especial duties.

100. If there be no such Minister available, then the Chaplain of the Station should arrange with the Civil Authority or Commanding Officer, for some devout and well disposed Layman of the Church to act as Lay Reader, or Catechist for the time being, upon whose nomination and consent being received, the Bishop will authorize the arrangement provisionally, under such instructions as will be especially given. But nothing of this kind is to be done without the Bishop's cognizance and approbation.

101. On quitting the Diocese permanently for another Diocese, every Clergyman will apply to the Bishop or Commissary for Testimonials under the Episcopal Seal.

102. Notice of such intention to leave or otherwise, is desired to be given to the Bishop or Commissary, as long before the actual time of departure or of application as possible.

103. In cases of the retirement of Chaplains, the Testimonials from the Bishop as to conduct in India, are to be transmitted to the Honorable the Court of Directors through the Government.

*Means of preserving Peace in Stations.*

104. In case of any difference of opinion between the Commanding Officer and Chaplains, the Chaplains will be pleased to yield for the time, and refer the case to the Bishop.

105. In like manner, if any difference of opinion arise between two Rev. Chaplains of the same Station, the Junior will have the goodness to yield till the Bishop can be consulted.

106. The Bishop suggests, that he has generally found that a series of written notes and expostulations, aggravates a misunderstanding. He rather recommends any Chaplain who fears a mis-

understanding may arise, to call at once in a friendly manner on the party concerned, and not let a dispute be generated at all. It is the second word or letter that makes the quarrel.

APP. (F.)

107. The Clergy will ever remember, that they are Ministers of the Gospel of Peace, and that more is required of them in the way of meekness and wisdom and a spirit of conciliation (always supposing faithfulness as to doctrine to be preserved) than from others.

108. The Bishop may observe that the Rev. Chaplains will derive much information on Ecclesiastical matters from the Charges of Bishop Middleton, Bishop Heber, and the other Prelates of this See, from the year 1813, when the Bishoprick was erected.

### *General Conclusion.*

109. The Bishop remarks finally, that though these suggestions chiefly relate to external matters, many of which may in themselves be of small consequence ; yet they will be found eminently subservient to peace and holiness ; and indeed to the right discharge of the highest spiritual duties of the Minister of Christ. Order, when combined, as it ever should be, with personal piety and devotion to the truth of the Gospel, agreeably to the doctrines of our 39 Articles and under the influences of the Holy Ghost, is of essential moment, and especially in the early days of our Church in India.

DANIEL, CALCUTTA.

SIMLA,  
*July 19th, 1844.*

*Postscriptum.*—The Bishop requests each Chaplain to include in his Extracts from his Record Book the day in each quarter of the year on which he dis-patched the copy of the Registers to the Registrar, and whether they were exactly regular, accurate, and authentic both as to matter and manner of dispatch.

*Quarterly Return of Spiritual Duties performed at the Station and Out-stations of — from January 1st to March 31st, 1845.*

*Visit to —, Out station, — miles from —*

Returned on — to —

The Chaplains will have the goodness to copy out this Form \_\_\_\_\_ and insert their Quarterly Returns in it; January 1, April 1, July 1, and October 1, annually. Chanlain of \_\_\_\_\_.









